

5 1986

114. F76/1:50 8/42

**DEVELOPMENTS IN SOUTH AFRICA:
UNITED STATES POLICY RESPONSES**

MF 204

ORIGINAL

HEARING

BEFORE THE

SUBCOMMITTEE ON AFRICA

OF THE

COMMITTEE ON FOREIGN AFFAIRS

HOUSE OF REPRESENTATIVES

NINETY-NINTH CONGRESS

SECOND SESSION

MARCH 12, 1986

Printed for the use of the Committee on Foreign Affairs

COMPLETED
12/1



U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1986

61-728 O

For sale by the Superintendent of Documents, Congressional Sales Office
U.S. Government Printing Office, Washington, DC 20402

BEST COPY AVAILABLE

I

COMMITTEE ON FOREIGN AFFAIRS

DANTE B. FASCELL, Florida, *Chairman*

LEE H. HAMILTON, Indiana
GUS YATRON, Pennsylvania
STEPHEN J. SOLARZ, New York
DON BONKER, Washington
GERRY E. STUDDS, Massachusetts
DAN MICA, Florida
MICHAEL D. BARNES, Maryland
HOWARD WOLPE, Michigan
GEO. W. CROCKETT, JR., Michigan
SAM GEJDENSON, Connecticut
MERVYN M. DYMALLY, California
TOM LANTOS, California
PETER H. KOSTMAYER, Pennsylvania
ROBERT G. TORRICELLI, New Jersey
LAWRENCE J. SMITH, Florida
HOWARD L. BERMAN, California
HARRY REID, Nevada
MEL LEVINE, California
EDWARD F. FEIGHAN, Ohio
TED WEISS, New York
GARY L. ACKERMAN, New York
BUDDY MACKAY, Florida
MORRIS K. UDALL, Arizona
ROBERT GARCIA, New York

WILLIAM S. BROOMFIELD, Michigan
BENJAMIN A. GILMAN, New York
ROBERT J. LAGOMARSINO, California
JIM LEACH, Iowa
TOBY ROTH, Wisconsin
OLYMPIA J. SNOWE, Maine
HENRY J. HYDE, Illinois
GERALD B. H. SOLOMON, New York
DOUG BEREUTER, Nebraska
MARK D. SILJANDER, Michigan
ED ZSCHAU, California
ROBERT K. DORNAN, California
CHRISTOPHER H. SMITH, New Jersey
CONNIE MACK, Florida
MICHAEL DeWINE, Ohio
DAN BURTON, Indiana
JOHN MCCAIN, Arizona

JOHN J. BRADY, Jr., *Chief of Staff*
MICKEY HARMON, *Staff Assistant*

SUBCOMMITTEE ON AFRICA

HOWARD WOLPE, Michigan, *Chairman*

GEO. W. CROCKETT, JR., Michigan
STEPHEN J. SOLARZ, New York
HOWARD L. BERMAN, California
TED WEISS, New York
ROBERT GARCIA, New York

MARK D. SILJANDER, Michigan
MICHAEL DeWINE, Ohio
DAN BURTON, Indiana
ROBERT K. DORNAN, California

ANNE FORRESTER HOLLOWAY, *Subcommittee Staff Director*
KEVIN CALLWOOD, *Minority Staff Consultant*
STEVE WEISSMAN, *Subcommittee Staff Consultant*
SALIH BOOKER, *Subcommittee Staff Consultant*

(II)

CONTENTS

WITNESSES

	Page
Gay McDougall, director of the Southern Africa Project, Lawyers' Committee for Civil Rights Under Law.....	6
Thomas G. Karis, senior research fellow, Ralph Bunche Institute on the United Nations, Graduate School of the City of New York.....	26
Lewis Gann, senior fellow, Hoover Institute, Stanford University.....	35
Gail Gerhart, professor of political science at Columbia University of New York.....	65
Hon. Chester A. Crocker, Assistant Secretary of State for African Affairs.....	79

APPENDIX

Prepared statement of Helena M. Cook, Lawyers Committee for Human Rights, Human Rights in South Africa.....	115
--	-----

(iii)

BEST COPY AVAILABLE

DEVELOPMENTS IN SOUTH AFRICA

WEDNESDAY, MARCH 12, 1986

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEES ON ECONOMIC POLICY
AND TRADE, AND ON AFRICA,
Washington, DC.

The subcommittee met at 10:16 a.m., in room 2172, Rayburn House Office Building, Hon. Howard Wolpe, presiding.

Mr. WOLPE. The hearing will come to order. Today we are beginning a new series of hearings on recent developments in South Africa and American policy responses to those developments. As we are all aware, South Africa has experienced a great intensification of mass protest followed by severe state repression over the last 18 months.

Over 1,200 people have been killed mainly by the government security forces in South Africa, and over 20,000 have been arrested. Under severe internal pressure and facing a range of new Western economic sanctions, the white Afrikaner government has introduced a number of superficial changes which attempt to project the image of reformation.

It is increasingly clear, that when the white minority talk about reform or the elimination of apartheid, that they are not talking about the abandonment of white minority rule in South Africa. Indeed, as it is becoming increasingly evident, that the changes heralded by the South African Government are no more than changes to consolidate white minority power.

What is clear is that there is a new reality, a new political dynamic, in process in South Africa. These superficial changes cannot be viewed as reforms. For example, land ownership for black South Africans within their segregated townships and so-called homelands; restoration of citizenship to those blacks who in the government's words permanently reside in South Africa and whose so-called homelands have received independence; a promise to end the current pass laws on July 1 when they will be replaced with different controls called orderly urbanization; and a new statutory council in which government officials and those that they designate as representative black leaders can advise on proposed legislation, all of those proposed changes avoid the key issue of white political domination and basic segregation that are being raised by the opposition in South Africa.

In no instance is the white minority government even discussing or assessing the possibility that white minority institutions need to be restructured to include everyone in the society. And again,

(1)

BEST COPY AVAILABLE

today as in the past, the goal of American policy must be to keep the sights upon the need for basic constitutional reform, the creation of a new constitutional system which includes and is committed to both the principle of majority rule and the preservation of minority rights.

As the perceptive Irish author and diplomat Conor Cruise O'Brien writes in the current issue of the *Atlantic Monthly* and I quote:

The term apartheid is out of favor. But the main structures such as segregated residences set up in the name of that concept are still in place. The concept is that of the separate development of the different peoples of South Africa according to legal categories defined exclusively by whites within political institutions established exclusively by whites, and within an overall system controlled exclusively by whites.

The current crisis, Bishop Tutu has warned:

Our country is on the verge of a catastrophe. Only a miracle or the intervention of the West will avert Armageddon.

Just last October, Secretary of State Shultz struck a similar note of urgency when he said:

The present system is doomed, and the only alternative to a radical violent outcome is a political accommodation now before it is too late.

Yet it remains unclear at least to some of us what the administration is prepared to do to advance a negotiated political solution to the South African crisis. Last fall, the President issued an Executive order for limited economic sanctions against South Africa in order to stave off a stronger sanctions package clearly favored by the Congress.

However, during his visit to South Africa in January, the Assistant Secretary of State for Africa, Chet Crocker, spoke out against economic sanctions. Moreover, he reportedly indicated that the return to economic growth and stability was "the only way for South Africa to get back on the road to building a just and equitable political system."

This position certainly sends mixed signals to the South African Government and to the American public. The administration's tactics are not clear. It may be because specific policy objectives have not in fact been spelled out.

For example, when American officials call for the release of political prisoners and the beginning of political negotiations, what is their timeframe? And why can we not find a single declaration by a high American official that we in fact believe that the only ultimate lasting solution in South Africa is a commitment to both majority rule and the protection of minority rights, or do we only employ such phrases against our adversaries in places like Nicaragua or Angola.

Finally, it serves to undermine our opposition to apartheid when we make ready to join the apartheid cause by aiding UNITA in Angola, a country which South Africa has been invading and destabilizing for more than a decade in order to maintain its domination over neighboring Namibia and to shore up its system at home. How much this must encourage the South African Government which has tried for years to use their professed anticommunism to enmesh the United States in a military alliance with South Africa.

In short, if negotiations are not forthcoming very soon between the government and the true leaders of the South African people, not simply leaders handpicked by the government, I feel that South Africa will be facing a catastrophe. Time indeed is running out.

In my view, it is more important than ever to intensify American and Western pressure including sanctions on the South African Government to foster a negotiated political solution based upon the combined principles of majority rule and minority rights. South African reality dictates that we move very rapidly.

Today we will begin the process of examining in greater detail some of the recent developments in South Africa including American foreign policy in that region. And then in our next two hearings on March 19 and March 20, we will examine alternatives to current policy including legislation that has already been introduced in the Congress that would call upon American disinvestment in South Africa.

Our first panel this morning includes Prof. Thomas Karis of the Ralph Bunche Institute on the United Nations at the City University of New York Graduate School. Professor Karis who has recently returned from a 7-week visit to Southern Africa is the author of "From Protest to Challenge," a documentary history of African politics in South Africa.

Prof. Gail Gerhart of Columbia University. Professor Gerhart, who also recently visited South Africa is the author of "Black Power in South Africa." Gay McDougall, the Director of the Southern African Project of the Lawyers' Committee for Civil Rights Under Law is the third of our witnesses.

And our fourth witness on the first panel will be Prof. Lewis Gann, Senior Fellow of the Hoover Institute of Stanford University. Professor Gann has written widely on the history of South Africa, and is coauthor of a book entitled "South Africa, War, Revolution, or Peace," and also of another volume, "Why South Africa Will Survive."

In our second panel today, we will feature Dr. Crocker, the Assistant Secretary of State for African Affairs.

While our panelists come to the table, I would like to invite our distinguished ranking members, two of them, both from the Subcommittee on Africa and from the Subcommittee on International Policy and Economic Trade. Let me invite Mr. Roth to go first, and then my distinguished colleague, Mr. Siljander.

Mr. ROTH. Thank you, Mr. Chairman, and thank you for allowing me to speak for a minute while our panelists come to the table. First of all, I was under the impression that this hearing was scheduled to start at 9:30, so I have been waiting here for almost an hour. But I know that we have an excellent panel here, so I think that the wait will have been worthwhile.

Second, Mr. Chairman, this is a joint hearing between the Subcommittee on Africa and the Subcommittee on International Economic Policy and Trade of the Foreign Affairs Committee. You referred in your opening statement to apartheid. Apartheid is abhorrent to us all and we are all opposed to it.

Yesterday, we held a hearing in our International Economic Policy and Trade Subcommittee on the subject of the use and effectiveness of sanctions and we heard varying viewpoints. I think that

it is important at this time in considering sanctions not to overlook what has taken place in Ethiopia.

In Ethiopia, thousands of people a day are dying because of the resettlement program. I do not know of any other nation in the world or combination of nations where we have that type of a holocaust occurring today.

Mr. Chairman, if we are going to have 20/20 vision out of our right eye, then we cannot be blind out of our left eye. While there are Members of this Congress who understand how to oppose dictatorships that are pro-American, when they see a leftwing, pro-Soviet dictatorship, they are blind. This is a very important hearing that we are conducting today. Members not only on the Foreign Affairs Committee, but throughout Congress have to make some good rational decisions—decisions that will not only be directed to the long-range interests of these countries, but also in the long-range interest of our own country.

There will be, as you mentioned, a catastrophe in South Africa if we do not act in a responsible manner. But, Mr. Chairman, there is a catastrophe going on every day in Ethiopia, and no one is speaking out. I would hope, Mr. Chairman, because you are very influential that you would call for a special order on Ethiopia, or have hearings on Ethiopia, so that this issue, too, can be aired before the American people also.

Because as I said before, if we are going to have 20/20 vision out of our right eye, we cannot be blind in the left eye.

Mr. WOLFE. Let me thank you, Mr. Roth, for those comments. Before yielding to my distinguished ranking member, Mr. Siljander, just two quick observations. First, with respect to the timing of the hearing this morning, your staff had been apprised of the fact that there were Democratic and Republican caucuses that forced the delay, and I am sorry if that was not conveyed to you and kept you sitting here unnecessarily. It was the caucuses this morning that delayed the convening of the meeting.

Second, with respect to the Ethiopia subject, in fact I happen to share your concerns, and have expressed that very directly and publicly both inside Ethiopia and this country. And in fact, we have had hearings on that subject with my committee, and we are going to be marking up a resolution next week on that very subject. And I thank you for your leadership and for the role that you have played in advancing public awareness of the resettlement problem in Ethiopia, and of the extraordinary human rights abuses that have occurred in the process of that resettlement effort.

Mr. ROTH. Thank you, Mr. Chairman.

Mr. WOLFE. Mr. Siljander.

Mr. SILJANDER. Thank you, Mr. Chairman. I have some comments for the record, if you do not mind.

Mr. WOLFE. Surely.

Mr. SILJANDER. Thank you. For the past year, the developments in South Africa have been no less than extraordinary. Most international observers that I have talked to would agree that South Africa has changed remarkably in the past year. That country will never again be able to turn back to the days of white political dominance.

The status quo is over. Remarkably, the government leaders are even admitting that fact. They tell me point blank, and I have met several in the past several months, that a new political consensus that would include blacks is being sought. And they believe contrary to all of the media projections that it could well be achieved.

What South Africa's leaders face today is the question of how to reconcile their stated goals of equality of political and economic opportunities with blacks with the dynamics of white South African politics and culture.

It is rather ironic that South Africa's brand of limited democracy may be the primary hindrance to the kinds of rapid changes that we here in the committee desire. Yet the South Africans that I have talked with are looking for a way out of the dilemma that many of them have created themselves.

And they like the millions of blacks in that country are asking for our help and our sympathy. I believe that America as the main pillar of democracy has a moral responsibility to help in any way that we can.

The past year in South Africa has been marked with increasing violence and brutality. We have seen it on television screens. We have witnessed black citizens of that country denied the basic right to assemble. And then after the blackout, we have been reading about it in the newspapers.

We read about the senseless murders. We hear firsthand from concerned South African observers, whites, blacks, Asians, young and old, urban and rural. They all say the same thing. They are calling for help, they need a way out.

An interesting dynamic has taken place recently in the black townships of South Africa. It is a dynamic that the South African Government cannot control. It is a dynamic that the ANC admits that it does not really have control over either.

Certainly, the township authorities themselves cannot control it. And the black leaders, Tutu, Boesak, Buthelezi, hold very minimal influence in this new dynamic. And that is that black youths have taken over the townships to a great degree.

It is the young radicals some aligned with the Marxist backed AZAPO movement that now control the decisionmaking in many of the black South African townships. It is the youth that are calling for the school boycotts. It is the youth who administer compliance with the boycotts of white businesses. It is the youth that administers executions of those accused of complicity with the regime.

The famous doughnut, the burning tire wrapped around the victim's body, is indicative of this new movement. Of course, there is no time for trials, and errors in judgment are unspeakable. That seems to be the situation in the townships.

It is interesting to see how people like Bishop Tutu and Alan Boesak have themselves been at risk because of the volatility of the black youth in that country. There is no doubt that hundreds of people have been killed in South Africa. We hear about that every day. There is also little doubt of the violence of a black response to an inherently violent system.

I hope that we will learn today that the South African system is one that is changing rapidly, and that America should get on the bandwagon in a constructive not a destructive manner.

I believe that America can play a constructive role in South Africa's future, as we have played in recent events in other troubled nations seeking democratic reform. What I would like to know today is what is happening in black politics overall. How in the townships are they actually being administered during this period of violence? Is it effective administration, is it administration by youth, is there in fact control in the townships by the authorities or not?

I would like to know the extent of the debate within the white community, and the ultimate effect of that debate in the country's future. I am interested in the meaning of the leadership of the Progressive Federal Party [PFP] leaving the parliament, and the relative strength of the reactionary political parties.

We want to pursue legitimacy of President Botha's recent initiatives to free Nelson Mandela. Is this just rhetoric, or is it a reality? Renewing negotiations on Namibia, is that talk or is that reality? Ending the pass laws, ending the state of emergency. How serious do our panelists feel that this is?

And last, about the work of antiapartheid, profree enterprise blacks seeking radical but democratic change in the system.

I also would like to hear about the scenarios for change in South Africa from a public policy point of view.

I would like to welcome our distinguished guests, as our chairman and ranking member have done. They are a distinguished group of witnesses, particularly Lewis Gann from the Hoover Institute. I have his book up here. I have not read it yet, but I certainly intend to. And I look forward to your comments, and to all of the distinguished panelists here today.

And Mr. Chairman, I thank you very much for the opportunity to get some material in the record.

Mr. WOLPE. Thank you very much, Mr. Siljander. And now I am pleased to turn to our panel of witnesses. Because of time constraints, we are asking all of our witnesses to confine their remarks as close to possible to a 5-minute timeframe. The full text of your written testimony will, of course, be entered into the record. And that will allow maximum opportunity for some questions and some dialogue.

I would like to invite as our first witness, Ms. McDougall.

STATEMENT OF GAY McDOUGALL, DIRECTOR OF THE SOUTHERN AFRICA PROJECT, LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW

Ms. McDOUGALL. Thank you, Mr. Chairman.

Over the past 18 months in South Africa unrestrained police and military violence have become frightening daily realities for the vast majority of South Africa's population. In a determination to crush all opposition the South African police and military have virtually occupied the black townships using live ammunition, rubber bullets, bird shot, tear gas, whips, and attack dogs against demonstrators, against striking workers and even against mourners at funerals.

At least 1,200 people were killed in the streets in South Africa during this period, and the South African Minister of Law and

Order has admitted that of that number at least 600 were killed by South African police. Those not beaten or killed in the streets have been subjected to widespread detentions. At least 36,000 South African men, women, and children were jailed in 1985 alone for political reasons, and this does not include the more than 200,000 people who were arrested on pass law violations.

Torture in detention has been rampant. There have been detailed and consistent reports of detainees being hooded and suffocated, beaten, given electric shocks, and subjected to death threats. At least 15 people died in police custody of suspected torture during 1985. And, Mr. Chairman, most of these were younger than 25 years old, including a boy of 13.

Children and young people have suffered perhaps the most. Over 2,000 children under the age of 16 have been detained since July. Many of them were held for months before their release. Many 8- and 11-year-olds have been charged with political offenses and denied bail, held in cells with adult criminals. And children of 16 have required psychiatric hospitalization after brutal torture and detention.

Last Friday, on March 7, President Botha lifted the state of emergency that he declared in July 1985. The regulations that were promulgated pursuant to that declaration and pursuant to the public safety act authorized any and all members of the police, army, including the railway police, and the prison services, to apply such force as they, under the circumstances, may deem necessary to prevent even suspected threats to the public order, to arrest and detain and interrogate any person without warrant or charge, to search property, to seize any item, to impose curfews, to cordon off areas, and to strictly control the dissemination of information.

The regulations authorize detentions to be incommunicado permitting no access to legal counsel or to family. Meetings and funerals were banned pursuant to the state of emergency regulations, and as we all know, in early November sweeping restrictions were placed on the print and film media barring their access to emergency areas and coverage of incidents of unrest.

The jurisdiction of the courts was severely circumscribed under the regulations. Injunctive relief was specifically denied with respect to actions taken under the regulations. And ominously the regulations bestowed on the police and the military immunity from civil and criminal responsibility for any of their actions taken pursuant to the regulations.

Now, since last Friday and the lifting of the state of emergency, the question being asked in South Africa and, indeed, around the world is will the level of repression experienced over the past several months end with the lifting of the state of emergency. Mr. Chairman, the answer is a clear no.

A de facto state of emergency will remain in existence for at least two reasons and in at least two ways. First of all, while the emergency powers were, indeed, broad and extraordinary, they were, in fact, mere extensions of already far-reaching powers under preexisting statutory law. The existing body of security laws, chiefly the Internal Security Act, the Defense Act, and security legisla-

tion and the bantustans—these statutes grant substantially the same powers to security forces.

For example, under section 29 of the Internal Security Act a police officer of the rank of lieutenant colonel or above is empowered to detain any person without warrant, without charge, without trial indefinitely for questioning. Article 28 of the statute allows preventative detention. Article 50 permits incommunicado detention of anyone who is deemed to be contributing to a continuation of a state of public disturbance.

Now, these powers are consistently used against blacks in South Africa. The emergency regulations indemnifying the security forces, while ominous, were not unprecedented. The same provision exists in the Defense Act. Existing security legislation, like the state of emergency regulations, also authorizes restrictions on the press, searches and seizures without warrants, and the banning of meetings, organizations and individuals.

Second, President Botha has announced that he will seek amendments to the existing security legislation that will strengthen it by incorporating permanently some key aspects into statutory law. This also will not be a new approach. The last and only previous state of emergency imposed in South Africa—that is, other than in the Bantustans—was in 1960 following the massacre of 69 people at Sharpsville. Many provisions of the 1960 regulations conferred new powers on the security forces. Included was the power to detain without warrant, charge, or trial.

Now, as Botha promises with this state of emergency, the 1960 state of emergency powers were subsequently ensconced in statutory law. So now we have, as a fundamental provision of the Internal Security Act, detention without trial. There has been a continuation until now, for 20 years, of the main provisions of the 1960 state of emergency.

Now, finally in the 5 days since the lifting of the state of emergency, my office has been in daily contact with lawyers and human rights organizations inside South Africa. Without exception they all expressed their fears that in the weeks and months to come black South Africa will experience more intense repression than ever before.

The events yesterday at Nelspruit set the tone for the future. A group of school children marched to the magistrate's court to attend the trial of some of their classmates. The police approached as if to talk to the children, but suddenly they opened fire. Three were killed and scores of injured children were left lying on the ground.

Mr. Chairman, this is what the immediate future holds for South Africa. The state of emergency is, in fact, continuing.

[The statement of Gay McDougall follows:]

PREPARED STATEMENT OF GAY J. McDUGALL, DIRECTOR, SOUTHERN AFRICA PROJECT,
LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW

I welcome the opportunity to testify before this Subcommittee on Africa of the Committee on Foreign Affairs of the House of Representatives in its first hearings on South Africa in 1986. My name is Gay McDougall and I am Director of the Southern Africa Project of the Lawyers' Committee for Civil Rights Under Law.

Recognizing that the domestic struggle for civil rights is linked to the struggle for human rights worldwide, the Lawyers' Committee in 1967 established the Southern Africa Project in response to urgent requests for assistance in human rights cases in South Africa and Namibia. Since 1967 and the first trial of Namibians under South Africa's infamous Terrorism Act, the Lawyers' Committee for Civil Rights Under Law has been involved to some degree in every major political trial in South Africa and Namibia.¹ My testimony today is based in large part on this 19-year history of first hand experience with the legal system of South Africa and Namibia and the abnegation of the rule of law in South Africa.¹

¹The Southern Africa Project engages in a variety of activities in connection with human rights cases in South Africa and Namibia. We provide financial assistance to cover the costs of defending political prisoners. We furnish technical assistance in the form of legal memoranda on questions of international law, expert witnesses, and forensic scientists to be used by defense attorneys. We finance affirmative court cases to challenge the legality of detentions and other abuses of apartheid. And in the United States, the Project initiates and intervenes in legal proceedings to deter actions that are supportive of South Africa's policy of apartheid and the continued occupation of Namibia, when such actions may be found to violate U.S. law.

Over the past eighteen months in South Africa, unrestrained police and military violence have become frightening daily realities for the majority of South Africa's population. Determined to crush all opposition, the South African police and military, who have virtually occupied the black townships, have used live ammunition, rubber bullets, birdshot, tear gas, whips and attack dogs against demonstrators, striking workers, and even mourners at funerals. At least 1,197 people were killed in the streets in South Africa during this period.² The South African Minister of Law and Order has admitted that 628 of this number were killed by the Security Forces.³ The daily pattern of assaults and killings inflicted by the security forces has been punctuated solely by wholesale massacres: twenty people were shot dead by police at Uitenhage on March 21st (17 were shot in the back); 14 people were killed by police in Queenstown on November 17th; 19 died in Mamelodi a few days later; and at least 24 people were killed in Alexandra township in February.⁴

²Figures compiled by the South African Institute of Race Relations in Johannesburg. Johannesburg Weekly Mail, February 7-13, 1986.

³These 628 deaths constitute two-thirds of the total of 955 deaths acknowledged by the government to have occurred in "unrest-related" incidents during the period September, 1984 through January 24, 1986. The Weekly Mail, February 28 to March 6, 1986.

⁴The Washington Post, April 19, 1985, reporting the autopsy results after the Uitenhage killings; the Weekly Mail, December 13-19, 1985, on the events in Queenstown and Mamelodi; the Weekly Mail, February 21-27, 1986, on the events in Alexandra township.

In September 1985, a human rights monitoring group organized by South Africa's Progressive Federal Party visited a black township near Cape Town and reported hearing

detailed accounts of ordinary people, men women and children, being sjambokked (whipped) viciously for no other reason than being outside on the street; of a young woman being seriously wounded by buckshot while trying to get into her own yard; of a boy shot dead at point blank range for no conceivable reason; of a schoolgirl whipped repeatedly by uniformed men for chatting to her boyfriend in her yard. . . We have seen sjambok marks on the outside of homes, pokmarks of buckshot, blood stains on the ground, evidence of a jackboot mentality at its worst.⁵

Those not beaten or killed in the streets have been subjected to widespread detentions. At least 36,000 South African men, women and children were jailed in 1985 for political reasons⁶ -- a scale of political imprisonments unprecedented since the 1960's. Thousands of people have been arrested and charged with a variety of political offenses ranging from "public violence" or attendance at "illegal gatherings" to "subversion" and "treason". Others have simply been detained without charge or trial.

Torture in detention has been rampant. There have been

⁵Reported in The Cape Times, September 20, 1985.

⁶This figure includes an estimated 25,000 people arrested on various political charges and 10,998 people detained under various provisions of the State of Emergency Regulations, the Internal Security Act, the Ciskei National Security Act, the Transkei Public Security Act, and the Internal Security Act of Bophuthatswana (Statistics compiled by the Detainees' Parents' Support Committee and cited in the Weekly Mail, February 14-20, 1986). The figure does not include people arrested for pass law violations - an estimated 200,000 each year.

detailed and consistent reports of detainees being hooded, beaten, given electric shocks and subjected to death threats. At least 15 people died in police custody or immediately after release during 1985. Most of them were younger than 25, including Johannes Spogter who was only thirteen.

Children and young people have suffered perhaps the most. Over 2,000 children under the age of 16 have been detained since last July, many of them were held for months before their release.⁷ Over 50 children under 18 have been killed by the security forces;⁸ 11-year olds were charged with political offenses and denied bail;⁹ and children of 16 required psychiatric hospitalization following brutal torture.¹⁰

⁷ 2,106 children under the age of 16 were detained under the State of Emergency regulations between July 21, 1985 and January 31, 1986. Weekly Mail, February 28 - March 6, 1986.

⁸ Statement made by a member of the National Medical and Dental Association at a Johannesburg conference on "Children Under Repression". Weekly Mail, November 1-7, 1985. "South Africa: Imprisonment and Ill-treatment of Children and Young People", Amnesty International report, London, February 13, 1985, p.1.

⁹ Fanie Goduka, for instance, spent over 2 months in a jail cell with adult criminals after being charged with "public violence" for allegedly stoning cars. Two bail applications were refused. He was finally put on trial and the charges were dismissed. The Weekly Mail, December 20-26, 1985. "South Africa: Imprisonment and Ill-treatment of Children and Young People", Amnesty International report, London, February 13, 1986, p.15.

¹⁰ Affidavits filed in Doras Dlamini v. the Minister of Law and Order and the Commissioner of the South African Police in the Supreme Court of South Africa (Durban and Coast Local Division), September 19, 1985. Mrs. Dlamini was seeking a court order restraining the police from further assaulting her 16-year old

The State of Emergency

In its efforts to crush township protest, the South African government declared a State of Emergency on July 20, 1985. The ensuing regulations, promulgated under the Public Safety Act, No. 3 of 1953, extended the already far-reaching powers of the police and other agents of the State authorized under pre-existing statutory law. The powers granted under these regulations authorized any and all members of the police, army, railways police and prisons service no matter what their rank may be to "apply . . . such force as [they] under the circumstances may deem necessary" to prevent even suspected dangers to public order; to arrest, detain and interrogate without warrant or charge any person for up to 14 days;¹¹ to search property and seize any item; to impose curfews, cordon off areas, and to strictly control the dissemination of information concerning detentions and security force operations in emergency areas.¹²

The regulations authorized detentions to be incommunicado,

son Vusi.

¹¹The 14 day period could be extended for an indefinite period on the orders of the Minister of Law and Order. Proclamation No. R207 (Government Gazette, No. 10003, October 31, 1985).

¹²Proclamation No. R120 (Government Gazette, No. 9876, July 21, 1985). Initially the State of Emergency was declared in 36 magisterial districts, all but one of them in the Eastern Cape or the Transvaal. On October 26, emergency rule was imposed on Cape Town and seven other districts in the South Western Cape. Prior to its being lifted, the State of Emergency covered about one-third of the country's population and included three major urban centers.

permitting no access to legal counsel or family. There was no right to information about the detentions. Even the names of those detained could be withheld, and any unauthorized distribution of the names of detainees was an offense punishable by up to 10 years imprisonment or a substantial fine.

A number of meetings and funerals were banned pursuant to the authority granted under the Regulations, including all meetings to celebrate the birthday of Nelson Mandela. And, in early November, sweeping restrictions were imposed on the film and print media barring their access to emergency areas and coverage of incidents of "unrest".¹³

The jurisdiction of the courts was severely circumscribed under the Regulations. Injunctive relief from the courts was denied with respect to orders issued or actions taken pursuant to the Regulations. Additionally, the Regulations bestowed on the State or any member of the Police or military immunity from civil or criminal responsibility for any action taken pursuant to the State of Emergency Regulations that may be ascribed to "good faith".¹⁴ The law established a presumption that such acts were performed in good faith.

Under the cloak of emergency rule, the government accele-

¹³Proclamation No. P208 (Government Gazette No. 10004, November 2, 1985).

¹⁴On October 26, President Botha extended this indemnity provision to cover the actions of security forces anywhere in the country. (Proclamation No. P201, Government Gazette No. 9993, October 26, 1985).

rated its efforts to crush opposition organizations. In the following months, thousands of activists and rank-and-file members of community organizations were detained without charge or trial for periods ranging from 14 days to 7 months. By the time the State of Emergency was lifted on March 7, 1986, at least 7,996 people had been detained under authority of the State of Emergency Regulations. Twenty-six percent of those detained were children under the age of 16.¹⁵ The arrests that occurred within the first two months of the Emergency systematically targetted the leadership of community organizations. And, as the net was widened to include the rank-and-file membership of these same organizations, it became apparent that rather than merely seeking to restore public order, the State was attempting to destroy the capacity of those organizations to operate.¹⁶

In the first five months of the Emergency the death toll nearly tripled to an average of four a day. The security forces displayed a sense of impunity reflected in the remark of one

¹⁵Weekly Mail February 28 - March 6, 1986, regarding the 2,106 children detained under the Emergency Regulations. The total number of emergency detainees is cited in the Washington Post March 8, 1986.

¹⁶At least 500 leaders and members of the Congress of South African Students had been detained by the beginning of September. Also, by September, sixty percent of the national and regional leadership of the United Democratic Front was in detention, on trial or dead. According to a survey done by the Detainee Parents Support Committee over eighty percent of the detainees whose affiliations could be traced were linked to the UDF. "State of Emergency", International Defense and Aid Fund Briefing Paper on Southern Africa, No. 19, November, 1985.

policeman to a young man resisting arrest: "Botha has said we can kill you like flies".¹⁷ Incidents such as the one that occurred in Queenstown on November 17th happened regularly: the police arrived in armoured vehicles to break up a meeting in Nonzwakazi Methodist Church. The people in the church were given five minutes to disperse. "But it was like five seconds", described an eyewitness, "and then tear gas and bullets were being fired at the church". Fourteen people were killed.¹⁸

The scale of police brutality towards those detained under the State of Emergency Regulations was revealed in a lawsuit filed in Supreme Court (Port Elizabeth) by 44 individuals on September 25, 1985. One of the plaintiffs was 25-year old Dr. Wendy Orr, the District Surgeon whose duties included acting as medical officer in the Port Elizabeth district prisons. Dr. Orr testified that throughout August and September she had examined, within 24 hours of their arrest, hundreds of detainees with weals, bruises and blisters all over their bodies, freshly perforated eardrums and other injuries.¹⁹ The Court issued a temporary injunction, ordering Security Police in the Port Elizabeth area to stop all assaults on State of Emergency

¹⁷ Sworn statement made by Mrs. Annie Gilbert on August 9, 1985 at Graaff Reinet before Molly Blackburn, Commissioner of Oaths and Member of the Cape Provincial Council.

¹⁸ Weekly Mail, December 13-19, 1985.

¹⁹ Affidavits filed in Wendy Orr and Others v. the Minister of Law and Order and Others, in the Supreme Court of South Africa (South Eastern Cape Local Division), on September 25, 1985.

detainees.

State of Emergency v. Existing Statutory Powers

The question being asked in South Africa now is: Will the level of repression experienced over the past several months end with the lifting of the State of Emergency on March 7th?

A comparative examination of the powers granted to security forces under the State of Emergency Regulations and those that existed previously leads to the conclusion that the potential for abuse of human rights will remain substantially the same. While the emergency powers were described as broad and extraordinary, they were in fact mere extensions of the far-reaching powers authorized under pre-existing statutory law. The existing body of security laws, violate the basic precepts of internationally recognized standards of due process and the rule of law. Those statutes remain intact despite the lifting of the State of Emergency and may become more draconian, if as President Botha has stated, aspects of the emergency powers are incorporated into statutory law.

Section 3 of the Emergency Regulations, as amended on October 31st by government proclamation, permitted indefinite detention for the maintenance of public order and for "interrogation". Yet, the Internal Security Act, No. 74 of 1982, had already established in the police broad powers to curtail civil liberties. Under Section 29 of the Act a police officer of the rank of lieutenant-colonel or higher is empowered to detain a

BEST COPY AVAILABLE

person incommunicado without charge or trial for an indefinite period for the purposes of "interrogation".

Section 28 of the Act permits the Minister of Law and Order to detain a person merely under suspicion that the person is likely to commit an act endangering the maintenance of law and order or is likely to promote such acts. Section 50 of the Act allows a police officer to arrest anyone without a warrant and hold that person incommunicado for from 48 hours to 14 days if he is of the opinion that the person is contributing to "the continuation of a state of public disturbance, disorder, riot or public violence" anywhere in the Republic.²⁰

In 1985, 3,637 people were detained under these and other provisions of security legislation which remain in effect despite the lifting of the State of Emergency.²¹

The key aspect of the Emergency Regulations that went beyond these provisions was the grant to every member of the security forces, no matter what their rank, the decision making power to

²⁰After the 48-hour period the detainee must be released or redetained for another 14 days under a warrant in terms of Section 50 (1)(b), which states that "the detention of a particular person will contribute towards the prevention of the resumption, at the same place or at any other place in the Republic, of such a state of public disturbance, disorder, riot or public violence". The detainee may be held beyond the 14-day period upon a warrant issued by a magistrate.

²¹Figures supplied by the Detainees Parents Support Committee and cited in the Weekly Mail, February 7-13, 1986. Of this number, 1,684 detentions occurred under various provisions of the Internal Security Act, No. 74 of 1982; 1,848 occurred under Transkei security legislation, 99 under Ciskei security legislation and 6 under the security legislation in Bophuthatswana.

deny the personal liberty of an individual indefinitely and without consultation. President Botha has announced that he will seek amendments to the existing security legislation that will strengthen it in the wake of the State of Emergency. It should be anticipated that the amendments will incorporate this key aspect of the Emergency Regulations.

The provisions under the Emergency Regulations indemnifying the security forces against civil and criminal prosecution, while ominous were not unprecedented. Section 103 ter. of the Defense Act, No. 44 of 1957, similarly protected members of the South African Defense Force or any other person in the service of the State from civil or criminal liability for acts "advised, commanded or done in good faith" in connection with "the prevention or suppression of terrorism in any operational area". The mere production in court of a certificate signed by the Minister stating that the said act had been done under command constitutes conclusive proof of this claim. The Minister of Defense is empowered to instruct the Minister of Justice to discontinue any legal proceeding if he is of the opinion that the act or acts in dispute were done in "good faith".

Regulation 8 (d) made it a criminal offense for an unauthorized person to disclose the name or identity of an emergency detainee unless that information had been previously distributed by the authorities. However, the Protection of Information Act, No. 84 of 1982 and the Police Act, No. 7 of 1958 may be used to

the same ends, that is, to limit the distribution of information about detentions.²²

One of the most frequently commented upon aspects of the State of Emergency was the set of sweeping restrictions imposed on the film and print media last November under Emergency Regulation 6. Again, there was provision in existing statutes for such a ban. Sections 99 and 101 of the Defense Act empowers the State President to impose comprehensive censorship regulations during operations "for the prevention or suppression of internal disorder" and to prohibit access to any designated area during such operations. In June 1980, the Commissioner of Police, General Mike Geldenhuys, placed a ban on journalists entering African townships and other "operational areas", that

²²Section 4 of the Protection of Information Act prohibits the publication of information prejudicial to the security of the State under penalty of a R10,000 fine or ten years imprisonment. In 1984, for instance, the police threatened to prosecute the Rand Daily Mail under the Protection of Information Act, No. 84 of 1982 if the newspaper published information about certain detainees. (Race Relations Survey 1984, S.A. Institute of Race Relations, Johannesburg, 1985, page 884). Section 27B of the Police Act, No. 7 of 1958, makes it a criminal offense under penalty of up to 5 years imprisonment to "publish any untrue matter in relation to any action by the Force or any part of the Force, or any member of the Force in relation to the performance of his functions as such a member, without having reasonable grounds (the onus of proof of which shall rest on such person) for believing that that statement is true". The President of the Southern African Catholic Bishops Conference, Archbishop Dennis Hurley, was charged under this section in relation to statements he made at a 1983 press conference about the conduct of the South African police unit, Koevoet, in Namibia. On February 18, 1985 in the Pretoria Regional Court, the State Prosecutor dropped charges against Hurley because of discrepancies in the material evidence. Focus (International Defense and Aid Fund bulletin) No. 58, May-June, 1985, p.3.

is, those in which the police were active. In the midst of widespread auto workers' strikes in the Eastern Cape city of Uitenhage in June 1980, the entire town and its surrounding townships were declared operational areas. Journalists were permitted entry only with written permission and under police escort.²³ It is clear that press restrictions lifted along with the State of Emergency, could be reimposed at any time, anywhere in the country.

Comprehensive bans were issued on gatherings or meetings within emergency areas under Regulation 6. On July 31st, for instance, the Commissioner of Police, Johannes Coetzee, issued an order severely restricting the manner in which funerals for victims of police killings could be conducted.²⁴ When the State of Emergency was extended to Cape Town and surrounding areas in October, 94 specified organizations were prohibited from organizing, advertising or holding meetings.²⁵ In November, when grossly underpaid service workers at Baragwanath hospital outside Soweto tried to organize a grievance meeting, the police declared the gathering illegal. The military subsequently occupied the hospital which was declared an "operational area"

²³ Race Relations Survey 1980, S.A.I.R.R., Johannesburg, 1981, pages 291-292.

²⁴ Government Notice 1746 by Commissioner of South African Police (Government Gazette No. 9884, July 31, 1985).

²⁵ Government Notice No. 2484 by Divisional Commissioner of South African Police (Western Province), October 26, 1985.

and off-limits to the press.²⁶

While such actions were carried out pursuant to the Emergency Regulations, the police and local magistrates have wide powers under Section 46 of the Internal Security Act to prohibit gatherings generally or by specified organizations. Prior to the State of Emergency, all outdoor gatherings had been prohibited for the year ending March 31, 1986, as were all indoor gatherings connected with the boycott of government schools.²⁷ In June, a ban on all indoor gatherings by specified organizations was extended until the end of 1985, with the ban covering 64 organizations in 30 magisterial districts. In addition, a ban was placed on indoor gatherings by any organization within those same districts in connection with work stoppages or stay-aways.²⁸ The powers under Section 46 of the Act will remain in effect irrespective of the lifting of the State of Emergency.

The right of access to premises and to search and seize items without a warrant also existed before the emergency. Under Section 6 of the Internal Security Act once the Minister of Law and Order "has reason to suspect" that an organization or publication ought to be banned he can designate any person to investigate the organization or publication and that authorized

²⁶Reported in the Washington Post, November 20, 1985; Johannesburg Weekly Mail November 15-21, 1985 and November 22-28, 1985.

²⁷Government Notice No. 701, March 22, 1985.

²⁸Government Notice No. 1433, June 28, 1985.

person may enter any premises without prior notice, require the production of any document or periodical and seize any document he thinks "may afford evidence".

Section 4 of the Internal Security Act already authorizes the Minister of Law and Order to declare any political or other organization as illegal by notification in the Gazette. On August 28th pursuant to that power the Minister banned the Congress of South African Students (COSAS).²⁹ It was the first such proscription of an organization since 1977. The consequence of the outlawing of COSAS, a strongly supported black high school student organization, was to make it a criminal offense to be a member, to possess its literature or to act in any way that may be construed as promoting its aims.

The State of Emergency created a new form of banning of individuals. Regulation 3 (b) gave the Minister of Law and Order the power to release emergency detainees on specific conditions set by him. In the last two months of 1985, 54 detainees were released under orders that circumscribed their movements, activities, utterances, occupations, attendance at educational institutions, their access to certain buildings and presence at gatherings.³⁰ Violations were punishable by a 10 year jail sentence. With the lifting of the State of Emergency, the

²⁹Government Notice No. R1977 (Government Gazette No. 9914, August 28, 1985).

³⁰Detainees Parents Support Committee, Third Special Report on the State of Emergency, October 31, 1985, p.5.

banning orders of these community leaders have been revoked, but, there is a possibility that they may be rebanned under existing statutory law. In 1985, one person released from detention under Section 29 of the Internal Security Act was served with a harsh 5 year banning and house arrest order, pursuant to Sections 19-21 of the Internal Security Act.³¹

³¹Trevor Manuel, Western Cape secretary of the United Democratic Front and a member of the National Executive Committee was banned on November 15, 1985. (Government Notice No. 2571).

Conclusion

The past seven and one-half months of State of Emergency rule in South Africa have been marked by massacres in the streets, widespread arrests and torture in detention. The security forces have shown an alarming disregard for the most basic human rights of the residents of South Africa's black townships. The powers granted to security forces under the State of Emergency Regulations were indeed broad and extraordinary. They differed, however, only slightly from the powers that already existed in the police, military and other branches of the Executive prior to July 20, 1985, and which now remain intact. It was pursuant to those pre-existing and currently in force powers that township residents had already experienced years of harsh repression. If, then, the State of Emergency was a declaration of war against the black majority by the Apartheid State, its lifting amounts to a return to a pre-existing state of undeclared war.

Mr. Mr. WOLPE. Thank you very much, Ms. McDougall, for that testimony.

I would like to invite Pro. Thomas Karis of the Ralph Bunche Institute on the United Nations of the city of New York Graduate School. Professor Karis.

**STATEMENT OF THOMAS G. KARIS, SENIOR RESEARCH FELLOW,
THE RALPH BUNCHE INSTITUTE ON THE UNITED NATIONS,
GRADUATE SCHOOL OF THE CITY OF NEW YORK**

Mr. KARIS. Thank you, Mr. Chairman.

While Gay McDougall was speaking, I cut out further paragraphs from this paper. I hope I brought it down from 7 minutes, which I had looked forward to, to 5.

I have been asked to review some recent trends in South Africa. I shall attempt to do so with one central question in mind: How have these developments affected movement toward the goal of negotiating with black leaders; that is, African, coloured, and Indian leaders, who can be described as credible, popular, authentic et cetera?

This goal was most recently endorsed by the administration in a statement made about 6 weeks ago by the Under Secretary of Political Affairs in the Department of State. He called for "negotiations with the accepted black leaders, and you cannot do this if those leaders are in jail," he said. "For this reason, we have called on the South African Government to release Nelson Mandela and other long-held political prisoners and to enter into meaningful talks with the genuine leaders of the black community."

A similar statement was made last October by the 49 members of the Commonwealth, although they added that Mandela should be released immediately and unconditionally, and that Pretoria should "lift the existing ban on the African National Congress and other political parties."

The first part of my written statement reviews black reactions to the familiar events of the recent past. I shall skip over this, and simply state a conclusion, that trends make negotiation even less likely than they might have been before.

Who are the credible, popular, legitimate leaders who should take part in negotiation? Agreement on the answer to this question depends upon an opening of the political process, and this would require a rollback of South Africa's police state measures, at least back to 1963.

In the meantime, one can make estimates on the basis of many kinds of evidence. Among extra-parliamentary political organizations the United Democratic Front has the widest popular support. It has avoided any advocacy of violence, but is obviously sympathetic to the ANC. Its leaders are among those who should be involved in negotiations. Yet, many of them were placed on trial for high treason last October. Except for four of the accused, the trial collapsed in December for legal reasons. Other UDF leaders are currently on trial on charges that include treason.

The most recent development affecting the future of black resistance is the politicization of the emerging black unions and the formation of the Congress of South African Trade Unions [COSATU],

on November 30 of last year. Its leaders also would be major participants in any meaningful negotiations. COSATU has emerged as the largest union federation in South African history with over 500,000 signed up members. There are two smaller federations, both inspired by the black consciousness movement.

The rise of the African unions has been phenomenal, even though not much more than about 10 percent of the economically active African population within South Africa's traditional boundaries is unionized. But this fact greatly underestimates the strategic power already obtained in several key industries and companies.

The black union movement has also some deep roots. The number of shop stewards rose from 6,000 in 1983 to 12,500 in 1985. The government would face a country-wide strike if it attempted any major repression of the new union leadership.

In order to maintain its independence and to concentrate on building national industrial unions based on shop floor strength, COSATU will not affiliate with the UDF, but it is sympathetic to both the UDF and the ANC. It will engage in political protest and is now planning a pass burning campaign.

A few weeks ago its largest affiliate, the National Union of Mine Workers, elected Nelson Mandela as its first honorary life president.

There are complex political differences regarding ideology, tactics and leadership among blacks. But blacks are far more united on their fundamental political aims than are whites. Negotiations would have to face this fact. The basic black aim was well expressed at the recent meeting of the Commonwealth members when they themselves called for "the eradication of apartheid and the establishment of majority rule on the basis of the free and fair exercise of universal adult suffrage by all the people in a united and non-fragmented South Africa."

The current U.S. administration, by the way, has not, so far as I know, ever been explicit about majority rule even in conjunction with minority rights or about one person, one vote.

There is much wishful thinking about mobilizing a broad center of so-called black moderates against extremists, but the political and economic program of the ANC is not extreme. And there are no black leaders of credibility who can mobilize a substantial coalition that is anti-UDF, anti-COSATU, and anti-ANC.

There is much exaggerated wishful thinking about the importance of Chief Gatsha Buthelezi, a tragic figure who attracts from blacks more intense hostility than probably anyone else in South African politics. His prominence last September at a meeting designed to launch a national convention movement was an important reason why it was stillborn.

Just one comment about white reactions, with reference only to businessmen, including Afrikaners, who have at last tried to come to grips with the realization that apartheid is bad for business. Because the domestic political situation has caused problems for international bankers and businessmen, South African businessmen have had to deal with the political impasse in the country. They have shown a flexibility and openness in negotiation that the ruling political leaders lack.

Within 2 months after the state of emergency began, a delegation of business leaders and journalists flew to Zambia to meet the leaders of the ANC. The businessmen are ready to return, but they still hope to see the building of a black moderate coalition.

Afrikaans-speaking journalists and university students and Dutch Reformed Church ministers have also met with ANC leaders. The ANC has achieved a remarkable degree of legitimacy among some whites. It has grown in prestige and popular support, although it is impossible to know how much of its support it can direct and discipline. The ANC also has called for escalation of the armed struggle in order to spread into white areas the pain and danger that is being experienced in black areas. Thus far, however, guerrilla attacks and sabotage are only a minor part of the ANC's overall strategy. Its use of violence hardly begins to compare with that of the South African police and military.

A brief comment about President P.W. Botha. Despite the apparent directness of words he has used, they are limited by underlying assumptions and are ambiguous in their implications. For example, there is no indication that citizenship for all means exercise of the franchise for representation in the central Parliament. The words do not signify any diminution of President Botha's commitment to white political control, nor is there any reversal in the process of geographical fragmentation since plans are now being implemented for the nominal independence of a fifth "national state," KwaNdebele.

The fact is, to conclude, that the government has repeatedly failed to engage the cooperation of popular or credible African leaders or to create effective mechanisms for negotiation with them. This failure was evident in 1979 when regional advisory committees on the future of urban Africans were set up. A Special Cabinet Committee created in 1982 for the same purpose was equally ineffective.

Last year President Botha announced the creation of an "informal non-statutory forum," but this too has remained empty. His address of this past January 31, opening Parliament, is admirable in its rhetorical support for freedom, equality, democracy, and the rule of law. In endorsing negotiation, he proposed the establishment of an advisory "national statutory council" under his chairmanship, which would include leaders of black communities and interest groups.

It is important to emphasize that President Botha excludes from negotiation not only those who do not renounce violence, but also those who have "unconstitutional aims." There is one popular leader who may join the council, Chief Buthelezi, but his support has been declining. And even his following among Zulus is limited.

Finally, if the rulers of South Africa were to open up the political process, the shape of black politics would change in ways that cannot be foreseen. If whites in power, while still in a position of strength, could move toward a system of majority rule and minority rights based on a universal franchise, negotiation of political structures and economic policy would be possible. But if present trends continue, to expect that white leaders will enter into serious negotiations with credible black leaders is yet another instance of wishful thinking.

Thank you.

[The prepared statement of Thomas G. Karis follows:]

BEST COPY AVAILABLE

PREPARED STATEMENT OF THOMAS G. KARIS, SENIOR RESEARCH FELLOW, RALPH
BUNCHE INSTITUTE ON THE UNITED NATIONS, C.U.N.Y.

Mr. Chairman, thank you for your invitation to appear a second time before the Subcommittee on Africa. I shall do my best to summarize the main points of my statement within five minutes.

I have been asked to review some of the trends in South Africa, especially since the proclamation of emergency last July. I shall attempt to do so with one central question in mind: how have these developments affected movement toward the goal of negotiation with black leaders (i.e., African, Coloured, and Indian leaders), who can be described as credible, popular, authentic, etc.?

This goal was most recently endorsed by the Administration in a statement made about six weeks ago by the Undersecretary for Political Affairs in the Department of State. He called for "negotiations with the accepted black leaders, and you cannot do this if those leaders are in jail. For this reason we have called on the South African government to release Nelson Mandela and other long-held political prisoners and to enter into meaningful talks with the genuine leaders of the black community."

A similar statement was made last October by the 49 members of the Commonwealth, although they added that Mandela should be released unconditionally and that Pretoria should "lift the existing ban on the African National Congress and other political parties."

Black reactions to the familiar events of the recent past have made negotiation even less likely than they may have been before.

The government's new constitution has brought to the forefront basic issues of political power and also has helped spark a wave of protest and violence that has bordered on country-wide insurrection. In part because of police conduct, young blacks are becoming more and more radical, militant, and defiant. It is difficult to describe adequately the feelings that are fanned by indiscriminate and brutal police action, even by the very presence of the police and army in the townships. Township grievances at a time of economic recession and wide unemployment, frustration, and anger have contributed to deeper

disbelief in the government's promises, growing support for the outlawed African National Congress, and pressure on less radical black leaders to be responsive to the new mood.

A new phenomenon has been the substantial amount of African violence against Africans who are seen as informers or collaborators. As a result of resignations and in some cases the killing of local councillors, the countrywide third tier of African local government has been virtually destroyed, and plans for local indirect representation on a second tier of multiracial "regional service councils" have been undermined. This is one respect in which an aim of the ANC is being realized: to "make apartheid unworkable and South Africa ungovernable."

There continues to be a growing acceptance among blacks of violence as unavoidable if there is to be basic change. We should try to see the problem of violence as it is seen by most black critics of the regime who do not themselves advocate violence. The problem was examined last September in the important Kairos Document, which was signed by over 150 church leaders and prominent lay persons of all races. It criticized the state and the media for excluding from their definition of violence "the structural, institutional, and unrepentant violence of the police and army." It concluded that "in practice what one calls 'violence' and what one calls 'self-defence' seems to depend upon which side one is on." "Neutrality is futile," it said. "The Church must avoid becoming a 'Third Force,' a force between the oppressor and the oppressed."

The new mood of militancy and defiance appears to be accompanied by a new confidence among Africans and their allies that the struggle is shifting decisively to their side. The new mood is found not only in black townships near the major urban centers but also in small towns that have rarely been centers of protest in the past.

School boycotts, now at a lull, have become endemic, and consumer boycotts have been shown to be a potentially powerful tactic.

There is also a widespread sense of urgency and expectation of liberation among younger blacks although the notion that liberation is around the corner is unrealistic.

The sense of urgency has resulted in a number of deadlines and threats if they are not met. For example, April 1 is a deadline of the Soweto Parents' Crisis Committee and the end of June is a deadline declared, separately, by Bishop Tutu, the Commonwealth's visiting group of eminent persons, and the Congress of South African Trade Unions.

Who are the credible, popular, legitimate leaders who should take part in negotiation? Agreement on the answer to this question depends upon an opening of the political process, and this would require a rollback of South Africa's police state measures, at least back to 1963. In the meantime, one can make estimates on the basis of many kinds of evidence.

Among extraparlimentary political organizations, the United Democratic Front has the widest popular support. It has avoided any advocacy of violence but is obviously sympathetic to the ANC. Its leaders are among those who should be involved in negotiations, yet many of them were placed on trial for high treason last October. Except for four of the accused, the trial collapsed in December for legal reasons. Other UDF leaders are currently on trial on charges that include treason.

The most important recent development affecting the future of black resistance is the politicization of the emerging black unions and the formation of the Congress of South African Trade Unions (COSATU) on November 30 of last year. Its leaders also would be major participants in any negotiations. COSATU has emerged as the largest union federation in South African history, with over 500,000 signed-up members, most of them Africans. There are two smaller federations, both inspired by the Black Consciousness movement.

The rise of the African unions has been phenomenal even though not much more than about 10 per cent of the economically active African population within South Africa's traditional boundaries is unionized. But this fact greatly underestimates the strategic power already attained in several key industries and companies. The black union movement has also sunk deep roots. The number of shop stewards rose from 6,000 in 1983 to 12,500 in 1985. The government would face a countrywide strike if it attempted any major repression of the new union leadership.

In order to maintain its independence and to concentrate on building national industrial unions based on shop floor strength, COSATU will not affiliate with the UDF, but it is sympathetic to both the UDF and the ANC. It will engage in political protest and is now planning a pass-burning campaign. A few weeks ago its largest affiliate, the National Union of Mineworkers, elected Nelson Mandela as its first honorary life president.

There are complex political differences regarding ideology, tactics, and leadership among blacks, but blacks are far more united on their fundamental political aims than are whites. Negotiations, when or if they take place, have to face this fact. The basic black aim was well

expressed at the recent meeting of Commonwealth members when they themselves called for "the eradication of apartheid and the establishment of majority rule on the basis of [the] free and fair exercise of universal adult suffrage by all the people in a united and non-fragmented South Africa".

The current U.S. administration, by the way, has not, so far as I know, ever been explicit about majority rule, even in conjunction with minority rights, or about one person one vote.

There is much wishful thinking about mobilizing a broad center of so-called black "moderates" against "extremists." In South African history and current circumstances, the political and economic program of the ANC is not "extreme." And there are no black leaders of credibility who can mobilize a substantial coalition that is anti-UDF, anti-COSATU, and anti-ANC. There is much exaggerated wishful thinking about the importance of Chief Gatsha Buthelezi, a tragic figure who attracts from blacks more intense hostility than probably anyone else in South African politics. His prominence last September at a meeting designed to launch a "National Convention Movement" was an important reason why it was stillborn.

^{أفريقي}
I have time to make only a few comments about the effect of the recent period upon whites. In contrast to 1960 and 1976, the period since September 1984 has produced deep anxieties and appears to be a major psychological watershed for whites. They are reacting in diverse ways to what they see as a qualitatively new black challenge. There is renewed and serious talk of emigration. Whites who are ready to live under majority rule constitute only a tiny fringe of Afrikanerdom. On the other hand, white vigilante action appears on the rise. There have been savage and unsolved murders and the new phenomenon of "disappearances."

Businessmen, including Afrikaners, have at last tried to come to grips with the realization that apartheid is bad for business. Because the domestic political situation has caused problems for international bankers and businessmen, South African businessmen have had to deal with the political impasse in the country. They have shown a flexibility and openness to negotiation that the ruling political leaders lack. Within two months after the state of emergency began, a seven-member delegation of business leaders and journalists flew to Zambia to meet with leaders of the ANC. The chairman of the Anglo American Corporation later explained that the visit was "a function of frustration at the lack of political action on the home front." The businessmen are ready to return, but they still hope for dramatic political reform and the building of a black moderate coalition.

Afrikaans-speaking journalists and university students, and Dutch Reformed Church ministers have also met with ANC leaders. Early this

month, a COSATU delegation met with President Oliver Tambo and other ANC leaders for two days in Lusaka. Another visitor was Enos Mabuza, chief minister of the Swazi "homeland" of KaNgwane, who have participated in an alliance headed by Buthelezi. The ANC has achieved a remarkable degree of legitimacy among some whites. It has grown in prestige and popular support within South Africa although it is impossible to know how much of its support it can direct and discipline. The ANC also hopes to move the struggle along to a stage of eventual negotiation by calling for "people's war," which includes escalation of the armed struggle in order to spread into white areas the pain and danger that is being experienced in black areas. Thus far, guerrilla attacks and sabotage are only a minor part of the ANC's overall strategy. Its use of violence hardly begins to compare with that of the South African police and military.

Two months after the declaration of emergency, President Botha said, "I fully confirm that my party and I are committed to the principle of a united South Africa, one citizenship, and a universal franchise." Despite the apparent directness of these words, they are limited by underlying assumptions and are ambiguous in their implications. For example, there is no indication that "one citizenship" means exercise of the franchise for representation in the central parliament. The words do not mean any diminution of President Botha's commitment to continued white political control. Nor is there any reversal in the process of fragmentation since plans are now being implemented for the nominal independence of a fifth "national state," KwaNdebele.

Nevertheless, it is true that the rhetoric of apartheid is virtually dead. Furthermore, steps to eliminate the embarrassment of racial discrimination have been taken and are underway. These steps appear major to most whites but thus far mean little to most blacks.

The fact is that the government has repeatedly failed to engage the cooperation of popular or credible African leaders or to create effective mechanisms for negotiations with them. This failure was evident in 1979 when a series of regional advisory committees on the future of urban Africans was set up. A Special Cabinet Committee created in 1982 for the same purpose was equally ineffective. In January of last year President Botha announced the creation of "an informal, non-statutory forum," apparently designed to include leaders opposed to participation in officially sponsored institutions. But this too remained empty.

Botha's address of this past January 31, opening Parliament, is admirable in its rhetorical support for freedom, equality, democracy, and the rule of law. In endorsing negotiation, he proposed the establishment of an advisory "national statutory council," under his chairmanship, which would include leaders of black communities [the use of the plural serves as a denial of black, that is African nationalism] and interest groups." It is important to emphasize that President Botha excludes from negotiations not only those who do not renounce violence but also those who have "unconstitutional aims." There is one popular

leader who may join the council, Chief Buthelezi; but his support has been declining and even his following among Zulus is limited.

If the rulers of South Africa were to open up the political process, the shape of black politics would change in ways that cannot be foreseen. If whites in power, while still in a position of strength, could move toward a system of majority rule and minority rights based on a universal franchise, negotiation about political structures and economic policy would be possible. But if present trends continue, to expect that white leaders will enter into serious negotiations with credible black leaders is yet another instance of wishful thinking.

3/17/86

BEST COPY AVAILABLE

Mr. WOLPE. Thank you very much, Professor Karis, and now let me turn to Professor Gann, Senior Fellow of the Hoover Institute, Stanford University.

**STATEMENT OF LEWIS GANN, SENIOR FELLOW, HOOVER
INSTITUTE, STANFORD UNIVERSITY**

Mr. GANN. Mr. Chairman, members of the committee, South Africa has become the most salient, political and humanitarian issue concerning Africa for United States policymakers today; most of them proceed on certain current assumptions:

Revolution stands around the corner, a bloodbath is near. The United States should join the liberation struggle both for humanitarian reasons and reasons of self-interest. South Africa is one of the world's worst, if not the worst. I fear it is the black man's hell. South Africa is wedded to a rigid immobilism. It cannot change from within, and the United States, therefore, has a special role to play.

I respectfully disagree with all these assumptions and my paper gives more detailed reasons. I will go very briefly through the main points.

First of all, revolution. Revolution has been forecast by academic experts ever since 1947, but if you had Lenin to testify before you, I would imagine that even Lenin would agree that this is not a revolutionary, not even a prerevolutionary situation. The economy has not broken down. The army has not broken down. South Africa is military and economically the giant of Africa; South Africa's opponents lack coordination, they lack a plan, they lack arms. Even African trade unions, while powerful, are in no position to overthrow the state, given the extent of black unemployment and given the fact that the trade union comprises only 10 percent or thereabouts of South Africa's labor force.

We come to American countermeasures, boycotts, disinvestments, and so forth. Again, I have tried to give the reasons why this will not work.

We seem to assume in this country that South Africa is still what it was 60 years ago, a neocolonial dependency. But South Africa today, in fact, generates the bulk of its capital at home. It has become in a minor way an exporter of capital. It has a strong technological infrastructure of its own. We are not likely to bring it to its knees by boycotts and such like measures.

Even if we could do so, we would have to crush the economies of South Africa's neighboring black countries, all of which are very closely linked to that widest South African network. We cannot crush South Africa without crushing all adjacent African states.

South Africa faces racist problems. There are many just African grievances, but South Africa is not the black man's hell as witnessed, for instance, by immigration figures. A million and a half Africans have chosen to come to South Africa from outside. Relatively few Africans have emigrated from South Africa. Very few of the 5 million refugees or thereabouts who are in Africa are of South African provenance.

There has been genuine change in South Africa. It may not have been enough. There I agree with you, but how many academics had predicted these changes 10 years ago.

As regards that the U.S. special role in South Africa, I would like to stress that South Africa is not Georgia at large. The South African imbroglio is not merely an extension of a civil rights struggle to the Antipodes, and we should be careful, lest we use a double standard with South Africa. South Africa is not the most violent country in Africa, yet it is judged as if it were.

I will give you one historic example before I conclude. One of the speakers mentioned Sharpsville where 67 people were killed, and that means 67 people too many. This was in 1960. Sharpsville became an international word of horror. At the end of the 1960's and the early 1970's something between 100,000 and 200,000 Hutu people were killed by the Tutsi overlords in Burundi, and this outrage was met with deafening silence from the Africanist community. So, I feel somewhat ill at ease when these moralist arguments are brought into the fray.

We should remember, moreover, that we are dealing with a sovereign state. South Africa is not a U.S. vassal, and when we express our opinions, we should keep that fact in mind.

What should we do? Well, I will give you my own personal interpretation. We should back the reformers within the Nationalist Party, the Verligtes. But I do not think that we can deal with the ANC, which is totally unsympathetic toward the United States and the system that the United States represents. Moreover we ought to keep in mind, Mr. Chairman, that the bulk of the African states are not ruled by majorities. Most African states are dictatorships, one party dictatorships or military dictatorships, and we should judge South Africa in African terms.

Thank you very much, sir.

[The prepared statement of Lewis Gann follows:]

PREPARED STATEMENT OF L.H. GANN, SENIOR FELLOW, HOOVER INSTITUTION,
STANFORD UNIVERSITY

Mr. Chairman, ladies and gentlemen:

I should like to express my thanks to your committee for being invited to present to you my views on South Africa. I am a professional historian; I have written extensively on modern Africa. (My books include L.H. Gann and Peter Duignan, Why South Will Survive, New York, St. Martin's Press, 1981, a copy of which has been sent to your committee).

Recent rioting and bloodshed in South Africa have heightened American concern for South Africa's future. Certain assumptions concerning South Africa nowadays find widespread acceptance today. These may be summarized as follows. In South Africa, revolution stands round the corner; a bloodbath is near. The U.S. -- in its own interests, as well as for humanitarian reasons -- must join the liberation struggle through boycotts, disinvestments, and diplomacy. South Africa is one of the world's worst, if not the worst country -- the Black man's hell. South Africa is wedded to immobilisme; South Africa can't change from within. The U.S. has a special role

BEST COPY AVAILABLE

to play, given the experience of its own civil rights struggle, given also the force of public opinion, given also the influence and extent of the U.S. economic stake in South Africa. I disagree with all these assumptions.

1) Revolution round the corner?

For the last forty years, scholars of differing persuasions have forecast revolution in South Africa. Many library shelves are filled with books that use the same recurrent metaphors -- the powder barrel always ready to explode, the sands that are perpetually running out, the clock that stands forever at five to twelve. But a revolution seems to me extremely unlikely. South Africa is the economic giant of Africa. (see table I). Its gross domestic product has vastly expanded over the last decade. (see table III). A successful revolution requires certain conditions. The economy should be in a state of disarray. The administration and the armed forces should be in a state of incipient breakdown. The revolutionaries should be effectively led. But in fact, neither the United Democratic Front (UDF) nor the African National Congress are in a position to overturn the South African state because they lack armies and trained cadres.

The South African armed forces remain the strongest in Africa by far; South Africa has built an extensive and diverse arms industry. Rioting has made no impact on the country's armed strength. South Africa's black-ruled neighbors are in no position to offer privileged sanctuaries to South African guerrillas, in view of the

dependence of these countries on South African markets, capital, skills and transport facilities.

South Africa's trade with its neighbors, far from diminishing, has increased considerably over the last few years. An attempted gold miner's strike has failed -- not surprisingly so, given the extent of black unemployment in South Africa and the availability of laboring men who come to South Africa from countries as diverse as Lesotho, Mozambique, Botswana, and so forth.

This is not to say that rioting has has no effect on South Africa. Countless youngsters have boycotted their schools; their education has thereby suffered, a serious matter for a country where all too many blacks already find themselves at a disadvantage in the labor market owing to their lack of skills. Many black students roam the streets looking for trouble instead of being in school. The black townships have become even more unsafe than they were in the past. Blacks willing to shoulder municipal responsibilities and other offices have been murdered.

But the rioters lack a coordinated plan, arms, and central direction. Riots moreover have produced bitter dissensions within the black community, between the old and the young, the unemployed and those with jobs, and between members of differing black ethnic communities. South Africa is not in a revolutionary condition.

2. Boycotts and disinvestments

Neither is a boycott not likely to work, as I have explained in the appended memorandum. The proponents of disinvestment widely seem

to assume that South Africa remains a backward country, dependent on foreign capital and foreign technology. Without the infusion of foreign funds, the structure of apartheid supposedly will weaken or collapse. In fact, South Africa has a highly developed economy. South Africa is not, and never has been, a recipient of U.S. foreign aid. South Africa today engenders the bulk -- well over 90 percent -- of its domestic capital at home. South Africa has even become an exporter of capital (especially to neighbors such as Mozambique, Swaziland, Namibia, Lesotho, Botswana, Zimbabwe, etc.), and even to, the U.S.

South Africans supply nearly all the technical and managerial skills required in their country. American investments in South Africa moreover are limited in scope. (They amount to less than one fifth of the country's total foreign investments.) Even a total U.S. boycott therefore would not break the South African economy.

If strictly enforced, sanctions can indeed do considerable damage to an economy; they can raise the costs of doing business. (Rhodesia survived fifteen years of world sanctions, but at a heavy price.) Although sanctions can bring economic suffering to a country, they cannot on their own produce political reform. South Africa can survive, for example, an oil and arms boycott. Oil provides only 25 percent of the country's energy needs, and the government has stockpiled four to six year's reserves. South Africa has become largely self-sufficient in weapons. A total ban on imports to South Africa would not bring down the whites.

3. South Africa: the black man's hell?

South Africa is an authoritarian country in need of extensive reforms. But it is not the Black man's hell. Over the last two decades, African education, for instance, has vastly expanded (see table II). More than 1,500,000 Africans have chosen to come to South Africa from other African countries. But few have chosen to emigrate. The bulk of Africa's five million or more refugees are not of South African provenance. In fact, the rise of South African's manufacturing industries has created new jobs for blacks as well as for brown and white people. To some extent, industrial growth has also brought about a reallocation of income between the various racial groups. (The turning point came about 1970. Between 1970 and 1975 the white share of South Africa's total purchasing power declined from 70.1 to 64.9 percent). At the same time, Africans became increasingly important to the economy as purchasers of manufactured goods. According to Erich Leistner, a South African economist, the consumption by blacks at the end of the century will be twice that of South Africa's total consumer market at present. The development of manufacturing, therefore, has proved a blessing to South African blacks whose industrial wages are higher than comparative wages in countries as far afield as Kenya, Nigeria, the Philippines and India.

Neither is it true that black wages in South Africa are uniformly low, that they remain constant, that they only rise when foreign firms are pressured into paying higher wages by political pressure in their respective home countries, or that foreign firms -- adhering to instruments such as the U.S. "Sullivan Code" -- necessarily act as bellwethers of economic progress for Africans. American companies have played a useful, though overall a modest part

in effecting such improvements. Overall, however, these have depended, not on the nationality of the owners, but on the nature of the enterprise in question. As might be expected, the tertiary sector in South Africa -- government, commerce, insurance, banking -- have the best record. They are followed by manufacturing and mining, with a agriculture at the bottom. Firms with a model record include also Afrikaner-owned enterprises such as the Rembrandt-Rothman group.

Speaking in general, real wages for black workers over the last twenty years have risen; the number of skilled African workers has gone up both in relative and absolute terms; so have the blacks' educational qualifications. These improvements derive -- not from foreign agitation -- but from the growth of the South African economy, from the increasing complexity of its structure, from the ever-increasing need for skilled labor, and from the South African capitalists' own awareness that Africans are important not merely as workers but also as customers.

I am troubled moreover by the operation of a double standard regarding South Africa. South Africa's regime is not democratic but neither are the bulk of Africa's independent black countries, most of which are subject to one-party rule or military dictatorships. South Africa does not rank anywhere near the top in Africa as regards the number of citizens jailed, expelled, or murdered. Yet we tend to adopt a double standard regarding South Africa. Let me give you just one example. In

1960, 67 black South Africans died in shooting affrays at Sharpeville. Sharpeville thereafter became an international word of horror. During the late 1960's and the early 1970's, something between 100,000 and

200,000 Hutu were slain by the Tutsi rulers of Burundi. This exercise in mass murder, by contrast, met with deafening silence from what passes as world opinion. The casualties occasioned by rioting in South Africa have again produced international condemnation. The infinitely larger loss of life occasioned by Amin in Uganda or Toure in Guinea, and by Ethiopian repression of Somali, Eritrean, or Tigrean dissidents and of starving millions occasioned no comparable outrage. No U.S. university or no state legislature called for economic boycott of any of these killer-states or of disinvestment from firms doing business with those countries.

Hence the double standard that so widely prevails among concerned scholars, progressive clergymen, media managers, and literati with regard to South Africa? My answer is tentative. But as I see it, many -- though not all -- intellectuals dislike "Middle America" for political, esthetic, or ideological reasons. These intellectuals are apt to project their personal dislike of "Middle America" on the South African screen. They identify white South African with "Middle America", whereas they do not identify the dominant Tutsi of Burundi or the ruling Amhara of Ethiopia with "Middle America". Hence white South Africans incur condemnation of a kind not applied say to the Tutsi of Burundi or the ruling Amhara people of Ethiopia. Such a double standard, is however, poor guide to politics.

Far from being rigidly frozen in a political sense, South Africa has embarked on a number of genuine changes. It is customary in academia to downplay their extent. But how many prophets had in fact predicted ten years ago, that by 1985, South Africa would have made political concessions to Indians and Coloureds, legalized black trade

unions, in practice ended the industrial color bar, (few jobs are now reserved for whites only), or put an end to the iniquitous legislation that formerly prohibited sexual contacts or marriage between members of different racial groups?

4. What is to be done?

Academic orthodoxy in the U.S. calls for a nation-wide boycott, a campaign supposedly supported by the entire people of the U.S. But it is simply not true that the American public as a whole wish to get closely involved. (A Gallup poll taken in 1985 indicated that only 7 percent of all respondents wanted even economic sanctions, only 2 percent demanded diplomatic intervention.) Altogether, our leverage is moreover limited. South Africa is not a U.S. vassal state. Neither is South Africa Georgia Writ Large. South Africa is one of the world's most complex societies with problems entirely of her own. In South Africa the First World is superimposed on the Third World. South Africa is a multi-ethnic as well as a multi-racial country, divided into numerous black ethnic communities, as well as containing whites, Asians, and Coloureds (people of mixed ancestry.) It would be a grave mistake to look upon South Africa in purely-Americanocentric terms. South Africa must find her own way to reform.

What then should the U.S. do? In my opinion, the present Administration should encourage the reformers within the ruling party (the so-called verligtes). We should applaud such reforms as have been made, instead of convincing unwittingly white South Africans that Washington will merely intensify punitive measures, as Pretoria makes reforms. Instead, we should encourage those South Africans who are willing to make compromises. To modify Lenin's dictum our slogan should be "all power to the moderates."

Disinvestment from South Africa:
A Dissident View

by

L.H.Gann

Senior Fellow, Hoover Institution, Stanford University

Disinvestment from South Africa has once again become a hot issue on many U.S. campuses. According to its advocates, disinvestment will break, or at least bend Pretoria's apartheid regime. South Africa's government is supposedly one of the world's worst, if not the worst. It is intolerable therefore that American investors should help to sustain this regime by supplying South Africa with capital, technology, and markets. It is inexcusable that American investors should obtain super-profits from South Africa's sweated and exploited black labor. As it stands today, South Africa remains wedded to a rigid, unbending racist dictatorship. The U.S. therefore should combine self-interest with morality by siding with the oppressed masses in South Africa and with the independent black African states. Disinvestment is therefore an essential step toward overthrowing South Africa's white tyranny.

But the means advocated (boycotts, sanctions, disinvestment) cannot, in my view, achieve the ends we all desire (that is bringing justice to South Africa and abolishing apartheid).

1. The legal issue

Disinvestment raises many difficulties little considered or little publicized by the disinvestment advocates. From the outset, there is the problem of definition. There are five ways in which the terms "disinvestment" or "divestment"

BEST COPY AVAILABLE

are used. These comprise: 1) the removal from investment portfolios of stock in companies that operate in South Africa but that do not adhere to the "Sullivan Principles", prescribing a "socially responsive" code. 2) the removal from investment portfolios of stock in all companies that have direct or indirect investments in South Africa. 3) the removal from investment portfolios of stock in all companies that do any business whatever in South Africa. 4) the physical removal of all companies that have a presence there. 5) the cessation of all U.S. investment, trade, and financial relations with South Africa, amounting to an economic embargo. These different categories are often confused, either unwittingly or in a deliberate fashion during the heat of debate.

Disinvestment in whatever form poses complex legal questions. This is how I understand them. The trustees of a pension fund or university endowment are obligated to administer their trust solely in the interest of the beneficiaries. It is not the trustee's job to consider the real or assumed benefit of any third party. Neither does the law make provision for exceptions to be granted in the case of socially desirable causes. There is, after all, no consensus about what causes are socially worthy. Liberal activists believe that the campaign against South Africa is a supremely valuable cause. Militant anti-communists, by contrast, might insist that fiduciaries of pension funds should not invest in firms that deal with the Soviet Union or

Cuba. "Pro life" advocates might argue that pension funds should have no dealings with enterprises that have any stake, direct or indirect in those sectors of the health industry concerned with abortion. Social investing therefore becomes a victim to pressure group politics. For instance, in 1984 the Massachusetts legislature singled out, in addition to South Africa, Great Britain for the disinvestment of state pension funds. Not the Soviet Union, Iran, Cambodia, or Libya -- all of them bloodstained tyrannies -- but Great Britain, was chosen -- this for the purpose of conciliating Irish-American voters in Boston.

Disinvestment strategies have been and are apt to be futile and unproductive. Capital markets are intensely competitive. Capital flows to users who offer the highest returns, adjusted freely for risk. Capital markets are also increasingly international. To the extent that social investing strategies limit capital flows to South Africa from one particular American firm, they simply create new opportunities for other American or foreign firms. Hence the campaign to affect the South African economy can have no demonstrable effect.

There are also constitutional objections, given the federal monopoly over foreign relations, as illustrated by the case of Zschernig v. Miller (1968) where the Supreme Court forbade "an intrusion by [a] state into the field of foreign affairs which the Constitution entrusts to the President and the Congress." (These legal and economic

aspects are explained in detail in John H. Langbein, Roy A. Schotland, and Albert W. Blaustein, Disinvestment: Is It Legal? Is it Moral? Is It Productive? National Legal Center for the Public Interest, 1985, a short monograph that the trustees of every university involved in these issues should carefully study.) The Attorney-General of the U.S. in 1978 also said it is inappropriate for investment managers to consider any factors other than safety and income from the investments they make -- not political, moral or social concerns.

There are other legal pitfalls. Modern portfolio theory (MPT) has shown conclusively that there are substantial gains to be derived from diversifying investments. Optimal diversification requires equity portfolios with many stocks. Social investing, however, impedes diversification. As more and more social causes are added to the list of "tainted" companies, the number of ineligible firms becomes larger and larger; hence an optimally diversified portfolio will become harder to construct from the remainder.

Proponents of social investing argue that their modus operandi is really advantageous to investors. For example, companies that do business in South Africa could face damage or expropriation from civil war or revolution. Hence, the social investment advocate might argue that, by boycotting South African firms, he does in fact, a favor to investors. This case, however, ignores the way in which the market itself takes account of all available information. Political

risks, like any other information affecting full profitability, are reflected in current prices. South Africa has a higher credit rating. A pension funds that carries out a "social" policy regarding South African investment will thus face great restrictions in its freedom to pursue the highest possible return. Money managers, for example, would have to eliminate most multi-national companies from their portfolio, and thus increase their exposure to the ups and downs of the U.S. economy. Narrowing investment opportunities, in other words, may create extra costs that represent an uncovenanted tax.

Similar considerations apply to charitable trusts and charitable corporations, including university endowments. Regardless of form, a university's charter is usually restrictive; it dedicates the institution to educational and related purposes. Many legal scholars point out, that causes espoused in the name of social investing -- for example expressing disapproval of selected foreign governments -- are not within the purpose of such charters. For university trustees to spend university funds on such causes would put the trustees in breach of their fiduciary trust to their institution.

The cost of divesting "tainted" stock, for example, involves the cost of brokerage commissions. Divestiture would force up transaction costs. (Stanford officials estimated it would cost them \$7 or \$8 million to divest.) In addition, there are information costs, since fund researchers

can more easily obtain information on large companies than on smaller, less-well known firms. Divestment may also create liquidity/price pressure. To give a specific instance, a pension fund that buys \$5 million worth of IBM (which trades close to \$200 million worth of shares per day) hardly sets up a ripple. But if a fund were to purchase \$5 million of a smaller company that only trades \$1 million a day, the projected purchase would cause the company's prices to shoot up, forcing the fund to pay more for the stock in question.

In addition, past donors -- or their heirs and successors -- may claim that social investing constitutes a diversion from the educational purposes for which such funds were given; hence such operations breach an implied or express decision, and ought to trigger defeasance of the fund in that donor's favor. Universities should therefore steer clear of disinvestment issues. To involve investment decisions with social causes or to create new and arbitrary definitions of what is or is not "tainted" stock could have far-reaching and costly repercussions on the entire U.S. economy.

The costs of divesting then are far greater than any benefits that can be derived from the process of divesting. The profits made by U.S. firms with branches in South African are only a small share of the total company profits. And universities' returns in that portion of profits from the South African operations is insignificant. (Stanford University estimated it made \$25,000 a year in stocks from the

South African component of the company's total stock.)

Advocates of disinvestment in South African talk of "pulling out." But they do not indicate how this could be done effectively. American firms cannot simply dismantle their plants in South Africa and ship back the parts to the United States. Most of the personnel employed in South African, even the highly placed managers and technicians, are South Africans and would stay in the country of their birth. South African exchange control regulations would, in case of need, prevent the repatriation of foreign capital. If the present investors were to sell their existing holdings in South Africa, such sales simply would benefit the new purchasers - South African, American or European - who would be able to acquire stock at artificially depressed prices. The physical plant, the technology and the personnel would all remain in South Africa. Only the ownership would change hands.

2. Disinvestment and the South African Economy

Disinvestment moreover rests on a series of unsound assumptions concerning the nature of the South African economy. The proponents of disinvestment widely seem to assume that South Africa remains a backward country, dependent on foreign capital and foreign technology. Without the infusion of foreign funds, the structure of apartheid supposedly will weaken or collapse. In fact, South Africa has a highly developed economy. South Africa is not, and never has been, a recipient of U.S. foreign aid. South

Africa today engenders the bulk -- well over 90 percent -- of its domestic capital at home. South Africa has even become an exporter of capital (especially to neighbors such as Mozambique, Swaziland, Namibia, Lesotho, Botswana, Zimbabwe, etc.), and even to, the U.S.

South Africans supply nearly all the technical and managerial skills required in their country. American investments in South Africa moreover are limited in scope. (They amount to less than one fifth of the country's total foreign investments.) Even a total U.S. boycott therefore would not break the South African economy. In an unexpected manner, disinvestment could in fact strengthen the Afrikaner national bourgeoisie.

If strictly enforced, sanctions can work, in the sense that they can do considerable damage to an economy; they can raise the costs of doing business. (Rhodesia survived fifteen years of world sanctions, but at a heavy price.) Although sanctions can bring economic suffering to a country, they cannot produce political reform. South Africa can survive, for example, an oil and arms boycott. Oil provides only 25 percent of the country's energy needs, and the government has stockpiled four to six years' reserves. South Africa has become largely self-sufficient in weapons. A total ban on imports to South Africa would not bring down the whites.

In my view, advocates of domestic reforms in South Africa should welcome, rather than deplore, South Africa's

commercial connections with the wider world. The rise of her manufacturing industries has created new jobs for blacks as well as for brown and white people. To some extent, industrial growth has also brought about a reallocation of income between the various racial groups. (The turning point came about 1970. Between 1970 and 1975 the white share of South Africa's total purchasing power declined from 70,1 to 64,9 per cent.) At the same time, Africans became increasingly important to the economy as purchasers of manufactured goods. According to Erich Leistner, a South African economist, the consumption by blacks at the end of the century will be twice that of South Africa's total consumer market at present. The development of manufacturing, therefore, has proved a blessing to South African blacks whose industrial wages are higher than comparative wages in countries as far afield as Geneva, Nigeria, the Philippines and India.

Neither is it true that black wages in South Africa are uniformly low, that they remain constant, that they only rise when foreign firms are pressured into paying higher wages by political pressure in their respective home countries, or that foreign firms -- adhering to instruments such as the U.S. "Sullivan Code" -- necessarily act as bellwethers of economic progress for Africans. American companies have played a useful, though overall a modest part in effecting such improvements. Overall, however, these have depended, not on the nationality of the owners, but on the nature of

the enterprise in question. As might be expected, the tertiary sector in South Africa -- government, commerce, insurance, banking -- have the best record. They are followed by manufacturing and mining, with agriculture at the bottom. Firms with a model record include also Afrikaner-owned enterprises such as the Rembrandt-Rothman group.

Speaking in general, real wages for black workers over the last twenty years have risen; the number of skilled African workers has gone up both in relative and absolute terms; so have the blacks' educational qualifications. These improvements derive -- not from foreign agitation -- but from the growth of the South African economy, from the increasing complexity of its structure, from the ever-increasing need for skilled labor, and from the South African capitalists' own awareness that Africans are important not merely as workers, but also as customers.

There are other objections to economic boycotts. Liberals and also many conservatives have profound trust in the efficacy of economic boycotts, or even in the threat of economic boycotts as a means of bringing about "meaningful change" in South Africa or Nicaragua. They unconsciously base their approach on the assumption that a nation will rather grant political concessions than suffer economic loss. But sanctions historically have been remarkably unsuccessful as a means of international coercion. Stalin's economic boycott of Yugoslavia failed to bring Tito to heel. American

sanctions against Cuba have not forced Castro to amend his policies nor will they change the minds of the Sandinistas. South Africa is in a much stronger position than any of these states. South Africa has vigorous manufacturing industries. South Africa is not merely self-sufficient in food, but it is one of the few African states that actually exports it. South Africa can be self-sufficient in capital, albeit at the expense of slowing its rapid growth rate. Moreover what South Africa sells the world wants: its strategic minerals and gold and diamonds. Boycotts, sanctions even a naval blockade did not bring Rhodesia to its knees. Rhodesian goods continually found their way to world markets. South Africa has a much larger economy than did Rhodesia and cannot easily be blockaded.

Disinvestment, boycotts, embargoes moreover are apt to have unanticipated consequences. To give just one example, South Africa since 1977, has been subjected to an international arms embargo. This embargo has not merely been breached by many foreign countries, but also the arms embargo encouraged South Africa to build up a substantial arms industry of its own. South Africa today manufactures a broad range of weapons. This is not surprising, given the degree of industrial expertise available in South Africa today, given also the willingness of British, Japanese, German, and other firms to continue trading with South Africa except in military hardware.

International action on South Africa therefore seems

BEST COPY AVAILABLE

unlikely to achieve. But even if it were to be adopted, the chief victims of a boycott would certainly be South Africa's blacks and their neighbors. All of them -- Lesotho, Swaziland, Botswana, Namibia, Mozambique, Zimbabwe, and even Zambia -- depend on South Africa for capital, markets, and a wide range of imported goods, for railroad, port, and air facilities, for financial and technical skills, and in many cases for the employment of migrant workers. Apartheid or no apartheid, hundreds of thousands of Africans still vote with their feet to come to South Africa, a point that the student activists might consider. There is no way -- for the time being -- by which the various members of this South Africa-centered state system can be made self-sufficient and independent from South Africa. There is no talk of divestment in Maputo, Mozambique for example. This Marxist-Leninist state seeks cooperation with South Africa because it wants to expand its economy, not contract it as divestment would do. The economic condition of millions of people in Southern Africa would therefore be affected by large scale disinvestment. Yet white South Africa would suffer little -- their rate of growth would only be slowed, not stopped.

A truly effective boycott would also affect the Western European allies of the U.S. -- especially Great Britain (which supplies more than half of South Africa's foreign investments). According to a study completed by the British Association of Industries in 1977, an effective boycott of

South Africa would raise British unemployment by over 70,000, one of Britain's most prosperous markets would have to be sacrificed. Would such a disruption be in the U.S. interest? an effective boycott would also cause black workers to lose jobs -- a point made by black South Africans such as chief Buthelesi (in Wall Street Journal 20 February 1985), and by leaders of independent black churches, including the four-million strong Zion Christian Church with its overwhelmingly working class membership. (Christian Science Monitor, 12 April 1985, p. 5.) Even in the U.S., one might add, the disinvestment issue is a matter of minority concern. The question arouses intense commitment on prestige campuses -- including Stanford -- where an opponent of disinvestment cannot argue the case in public without being abused as a racist. But the disinvestment question is not, by contrast, of great interest to the mass of the U.S. electorate -- not even to the bulk of black citizens, if journalists such as Howard Taylor are to be trusted. (San Francisco Examiner, 26 May 1985, p. A 3.)

3. The Double Standard Controversy

I am troubled moreover by the question of double standards. Universities incur censure on the grounds that they hold stock in companies involved -- however indirectly -- in South Africa's economy. University regents also incur blame on the grounds that they own stock in companies that do business in South Africa. But international trade and investment rests on a series of complex networks that have

extraordinarily wide ramifications. Firms such as Toyota, Nissan, Volkswagen, Renault, Mercedes Benz, BMW make cars in South Africa as well as in other parts of the world. Is their stock tainted? Are their products all stained because they have a stake in South Africa's prosperity? If so, would student and professorial activists be willing to sell their own cars, if they were manufactured by "tainted" firms? If not, why not?

I am equally impressed by the operation of the double standard in so far as it bears on the Soviet Union and its allies. The United States has loaned something like \$100 billion to the Soviet Union and its allies; many commercial transactions with the Soviet Union are, in fact, indirectly subsidized by the American taxpayer in a manner not applied to South African commerce with the U.S. But all too often, only U.S. investments in South Africa are regarded as a moral problem, even though South Africa -- unlike the Soviet Union -- has not killed or jailed millions of its citizens, does not pose a military threat to this country, does not try to export its social institutions, and does not regard itself as the universal model for the world to follow. Yet, by a strange quirk of political logic, it is often the most militant advocates of anti-South African boycotts who most strongly argue against boycotting Nicaragua and who favor of extending U.S. commercial, financial, and scientific contacts with the communist countries for the sake of "softening up" their respective regimes from within and for improving the

wider climate of international relations. This logic seems all the more skewed at a time when South Africa's African neighbors have increased their respective contacts with South Africa and when the Marxist-Leninist Republic of Mozambique has even concluded a non-aggression pact with South Africa (1984.)

The double standard seems all the more apparent when Americans are urged to boycott South Africa on the grounds that "the killing must stop." In 1960, 67 black South Africans died in shooting affrays at Sharpeville. Sharpeville thereafter became an international word of horror. During the late 1960's and the early 1970's, something between 100,000 and 200,000 Hutu were slain by the Tutsi rulers of Burundi. This exercise in mass murder, by contrast, met with deafening silence from what passes as world opinion. The casualties occasioned by rioting in South Africa have again produced international condemnation. The infinitely larger loss of life occasioned by Amin in Uganda or Touré in Guinea, and by Ethiopian repression of Somali, Eritrean, or Tigrean dissidents and of starving millions occasioned no comparable outrage. No U.S. university or no state legislature called for economic boycott of any of these killer-states or of disinvestment from firms doing business with those countries.

Angola to give another example has incurred the censure of Amnesty International for torturing political prisoners. Untold numbers of people have perished in an ongoing Angolan

civil war. Humanitarian opinion in the U.S., far from calling for economic sanctions against Angola, instead favors an improvement of U.S.-Angolan relations.

The difficulties in applying morality to diplomacy or economics are many as I have shown. Few governments outside Western Europe and North America are democratic. Few governments are moral, just or rule for the benefit of their people. If we do not deal with Chile, we can hardly deal with any communist regime. If we stop talking to South Africans because of their racial policies, then we have to stop talking to half the nations of the world who oppress their minorities, their political opposition movements, their religious bodies or persons who own property. A self-imposed suspension of formal judgments should regulate the relations between states. Similarly, it is not reasonable to utilize economic boycotts as a means of conducting international relations. As the Israeli ambassador to the United States, Chaim Herzog, said during a debate on the U.N. resolution to condemn Israel for trading with South Africa: "If preservation of human rights were to be the criterion for international trade, the world would be in a sorry state economically for there would be little trade indeed."

Far from being rigidly frozen in a political sense, South Africa has embarked on a number of genuine changes. It is customary in academic to downplay their extent. But how many prophets would have predicted ten years ago, that by 1985, South Africa would have made political concessions to

Indians and Coloureds, legalized black trade unions, in practice ended the industrial color bar, (few jobs are now reserved for whites only) or put an end to the iniquitous legislation that formerly prohibited sexual contacts or marriage between members of different racial groups? Far from harrying South Africa, the Reagan Administration should publicly welcome such reforms while criticizing excessive police action against unarmed people. Far from boycotting South Africa, the U.S. should benefit South Africans of all colors by encouraging more, not less, U.S. investment.

President Reagan has indicated that his administration regards apartheid as repugnant to basic values, but that as long as South Africa attempts to move away from its racist system of government, the U.S. should give help and encouragement. Constructive engagement therefore depends on reform within South Africa and on the attainment of internationally recognized independence for Namibia.

But whatever the media or the politicians may say, external pressure has had but a limited impact on South Africa. Some reforms have taken place, but these have owed more to internal South African developments, to changes within South Africa's economy, than to outside demands. Congress can therefore play but a minor role in steering Pretoria. Whatever Congress decides, legislators will have to remember that South Africa is not Georgia writ large, that South Africa is not subject to U.S. suzerainty, and that no permanent solutions will work in South Africa unless whites,

BEST COPY AVAILABLE

Table 1.

COMPARATIVE STATISTICS: SOUTH AFRICA AND SELECTED BLACK AFRICAN COUNTRIES

(figures in billion \$U.S.)

Country	Est. G.O.P.	Est. Debt	Est. Defense Budget	Est. Population (in million)
Angola	4.186 (1982)	----	0.780 (1982)	8.00
Benin	1.04 (1983)	0.800 (1984)	0.024 (1982)	3.90
Botswana	1.051 (1983-4)	0.300 (1984)	0.026 (1982)	.98
Cameroon	7.543 (1983-4)	2.75 (1984)	0.119 (1983)	9.60
Ethiopia	4.857 (1983-4)	1.90 (1984)	0.458.9 (1982-3)	42.00
Ivory Coast	6.554 (1983)	7.0 (1984)	0.068 (1985)	9.471
Kenya	5.722 (1983)	2.7 (1984)	0.242 (1984-5)	19.100
Liberia	0.920 (1984)	1.4 (1984)	1.4 (1984)	2.404
Malawi	1.199 (1984)	0.9 (1984)	0.019 (1984)	6.833
Mozambique	3.008 (1983)	1.5 (1984)	0.203 (1982)	12.324
Nigeria	67.736 (1983)	20.0 (1984)	1.106 (1985)	94.00
Tanzania	5.534 (1981)	2.1 (1984)	0.307 (1982-3)	21.30
Uganda	5.36 (1982)	0.82 (1984)	0.94 (1982-3)	14.70
Zaire	4.588 (1983)	5.8 (1984)	0.139 (1983)	30.00
Zambia	2.638 (1984)	2.8 (1984)	-----	6.8
Zimbabwe	5.775 (1982-3)	2.85 (1984)	0.238 (1984-5)	8.5
South Africa	77.815 (1983-4)	25.0 (1984)	2.434 (1984-5)	29.0

(Source: International Institute for Strategic Studies, The Military Balance 1985-1986, (London, 1985).

Table 11. Expansion of an education

	1960	1970	1975	1978	1979
Primary & Secondary (ordinary):					
Teachers:					
Total	70,402	110,502	140,119	145,434	153,624
Asians	3,963	6,057	6,871	7,617	8,195
Blacks	25,644	45,953	67,841	66,146 ¹	71,380
Coloreds	9,656	16,483	20,842	24,438	25,410
Whites	31,139	42,009	44,565	47,233	48,639
Students: Primary					
Total	2,301,477	3,738,696	4,635,315	4,141,797	4,268,090
Asians	111,197	123,443	135,955	147,779	150,119
Blacks	1,452,246	2,614,961	3,378,873	2,784,941 ¹	2,899,000
Coloreds	276,245	456,481	546,593	602,944	613,752
Whites	461,789	543,811	573,894	606,127	606,219
Students: Secondary					
Total	338,671	532,200	786,867	970,206	1,037,367
Asians	16,841	40,082	48,485	60,226	16,362
Blacks	47,598	122,489	318,568	443,385	495,100
Coloreds	28,583	59,027	89,831	119,107	129,698
Whites	245,647	310,602	329,983	347,627	348,207
Universities and Teachers' training colleges:					
Lecturers	4,039	7,879	10,626	9,772	10,677 ²
Students:					
Total	56,666	101,526	148,125	171,022	178,461
Asians	2,156	4,303	6,744	10,039	11,085
Blacks	6,186	12,035	24,744	26,661	29,092
Coloreds	2,584	4,411	8,833	10,563	12,438
Whites	45,740	80,777	107,804	123,759	125,846
Technical and related institutions:					
Lecturers	2,603	3,272	3,434	3,827	4,075
Students:					
Total	53,992	66,578	80,233 ¹	92,036	97,088
Asians	4,569	6,642	5,605	3,094	3,214
Blacks	1,734	3,652	4,607	3,245 ¹	3,300
Coloreds	2,274	3,705	4,268	6,647	6,574
Whites	45,415	52,579	65,753	79,050	84,000

1. Republic of Transkei excluded as from 1977; and the Republic of Bophuthatswana excluded as from 1978.

2. From 1977, certain personnel at white residential universities were no longer regarded as lecturing personnel; Lecturers at black teachers' training colleges included as of 1979, previously among teachers at ordinary schools.

Source: Census Department, Pretoria

BEST COPY AVAILABLE

Table III

Growth of South Africa's Gross Domestic Product

GDP by kind of economic activity (R-million)

Period	Agriculture, forestry, and fishing	Mining and quarrying	Manufacturing	Construction	Electricity gas and water	Transportation, storage and communication	Trade	Other	Total
1970	973	1 207	2 796	507	307	1 154	1 819	3 260	12 023*
1975	2 129	3 182	5 991	1 382	610	2 395	3 667	6 510	25 846
1976	2 275	3 483	6 834	1 416	782	2 688	4 010	7 432	28 920
1977	2 578	4 060	6 954	1 448	1 139	3 236	4 284	8 090	31 789
1978	2 794	5 687	7 851	1 527	1 588	3 602	4 700	9 045	36 794
1979	2 974	8 088	9 532	1 679	1 809	3 999	5 321	10 540	43 942
1980	4 078	12 805	12 365	2 056	2 142	4 897	6 933	12 234	57 310
1981*	4 726	10 496	15 387	2 529	2 422	5 794	8 491	14 916	64 761
1982*	4 534	10 435	16 730	2 944	3 145	6 478	9 427	18 538	72 231
1983*	3 852	12 277	18 683	3 425	3 904	6 895	10 883	19 444	81 347
*Provisional									

Source: Official Yearbook of the Republic of South Africa, eleventh ed., 1985, p 365.

64

Mr. WOLPE. Thank you very much, Professor Gann.
And as our last panelist, I would like to call upon Prof. Gail Gerhart of Columbia University.

**STATEMENT OF GAIL GERHART, PROFESSOR OF POLITICAL
SCIENCE AT COLUMBIA UNIVERSITY, NEW YORK**

Ms. GERHART. Thank you, Mr. Chairman. Before I start, I would like to say what an honor it is to be present for the first time at a meeting of this subcommittee which has such a well earned reputation for building better relations between the United States and Africa.

I would like to focus my remarks this morning on the period of the state of emergency, and in particular I would like to raise the question of whether the unfolding of political events in this period can be taken overall as a vindication of the Reagan administration's policies towards South Africa. In my view they cannot, and I would like briefly to say why.

Stripped of all of its rhetorical embellishments, the policy of the administration has been based from the start on two fundamental premises. These premises have turned out to be false, and although their unsoundness was quite apparent before the beginning of the emergency period, recent months have provided strong new evidence that these premises were incorrect.

The first premise behind the policy of the administration was that the leaders of South Africa's national party were committed to a process of far-reaching and fundamental reform. The second premise was that the best interests of the United States would be served if our Government would encourage and support this perceived national party commitment to reform, or what Professor Gann has called the Verligte plan for reform, no matter how long this plan took to achieve its final "results" or at what political cost.

It was anticipated that the process of reform would be slow and halting, and that it would require quite high levels of repression in order to succeed.

If anyone present this morning would like to see a detailed prognosis and prescription for this reform process, they can find it spelled out in some detail in a speech delivered by Samuel P. Huntington at the Rand Afrikaans University in September 1981, and reprinted in the spring 1982 issue of International Security, the journal, International Security.

Professor Huntington's prescriptions there for reform in South Africa correspond very closely, I believe, to the vision of carefully orchestrated and sequenced change which South Africa's leaders have privately assured our policymakers that the national party is pursuing. It is an inspiring vision of statecraft and Machiavellian maneuver, Fabian strategy and blitzkrieg tactics, all leading ultimately to a political outcome that will rank with the achievements of Bismarck, DeGaulle and Attaturk, not to mention Lenin, to whom I believe Professor Huntington also accords some accolades.

The United States having bought into this grand, albeit dubious, vision of reform in 1981, is now understandably finding it difficult to admit the error of that decision because a strategy of reform

from the top by its nature is a long-term proposition. Its proponents always seem justified in pleading for more time.

But why do I say that this vision of reform was unsound and that the emergency has further confirmed this unsoundness? Let me briefly outline three reasons why I maintained this.

First of all, the achievement of reform from the top down would depend on the successful building of a large center coalition drawn from all race groups. But in fact, in my view, it has become impossible to build such a coalition.

As the Pretoria strategists see it, so-called extremists of the left and the right can be isolated, kept under control, and ultimately swamped by the reformist forces of the center. Now, leaving aside the extremists of the right who seem to have been having quite an upsurge lately, who are these extremists of the left? Presumably they are the adherents of the African National Congress, United Democratic Front, Black Consciousness organizations and the politically minded trade unionists.

Yet far from crushing these movements or discouraging so-called moderate Africans from joining them, the repressive methods of the government, which have risen to new levels of brutality, as Gay McDougall has told us, during this emergency, seem instead to have increased the broad grass roots support for these anti-government organizations. The mood of defiance, the open display of the colors of the African National Congress, the adulation of the Mandelas, the identification of COSATU leaders with the long traditions of black protests and opposition—these are not the ravings of an extremist fringe. These are the expression of the aspirations of most politically conscious Africans. They represent the majority of the majority of South Africans.

So, who then is left in President Botha's center other than the Nationalist Party whites, some of the members of the Progressive Federal Party, a portion of the Indian and colored communities who have decided to throw in their lot with the National Party, and an ever more forlorn array of Africans employed by government structures, including Chief Buthelezi?

The notion that the majority of Africans can be wooed or cajoled or bludgeoned into support for a National Party program, now or sometime in the future, is just frankly preposterous. There can be no conquering reformist center because the support for African nationalism is already too strong.

The second flaw in the National Party vision of reform is the assumption that whites will be able to control the pace and the strategy of change, while blacks will merely react to white initiatives. This is an assumption which was partly responsible for the serious miscalculations of the Nixon administration about probable outcomes in Angola and Mozambique in the 1970's, and it still seems to be a premise behind American policy.

This assumption has an equally false corollary, that because blacks inside South Africa are not armed—and I hear Professor Gann repeating this—whites will be able to maintain control because of their command of superior force. What these calculations do not take into account is the potential disruptive force of nonviolent tactics initiated by blacks, some of which have been used to very considerable effect during the period of emergency, as well as

before it. Strikes and stay-at-homes, boycotts of schools and shops, campaigns of political consciousness raising, like the black Christmas exercise last December—all of these have contributed to the climate of economic uncertainty and demoralization so evident now among South African whites. And I certainly would not agree with Professor Gann's assertion that South Africa's economy is in strong shape.

These uncertainties have resulted from initiatives taken by blacks. The attacks against black collaborators are another example of the efforts of black nationalists to go on the offensive and to make South Africa ungovernable.

In my view it is very likely that these attacks and disruptions will intensify, that disorder will become endemic, and that the Botha government will not be able to coolly apply a careful strategy of carrots and sticks to tame and co-opt a hostile black population.

Now, third and lastly, the reason why I believe a reformist strategy is doomed in South Africa is that the goal itself is unachievable. This is a depressing conclusion, but I believe that the evidence for it is clear. I believe, and the events of the emergency have reinforced my view, that there is no compromise solution to the South African political dilemma around which the bulk of black and white opinion can unite today.

The most radical forms of power-sharing that the National Party leaders can today envision fall very far short of the minimum demands of politically mobilized Africans—no amount of rhetorical game playing—and we have seen some amusing examples of that in the exchanges between the two Bothas about whether it is possible to have a black president in South Africa. No amount of such verbal game playing can obscure the fact that whites today are not prepared to surrender their dominance. Mr. Chairman, you have pointed this out, and it needs to be reiterated. Whites are not prepared to surrender their dominance and blacks are not prepared to regard as legitimate any system that allows whites to remain dominant. This is an impasse. This means that there is no compromise solution possible today.

This does not mean that there is no solution or that an accommodation will not someday be reached. I believe that it will. But there can be no solution imposed by reform from the top, that underlying premise behind American policy, which is fallacious I think.

Black disaffection and mistrust is too deep and the instinct of whites to hang onto their privileged position is too strong.

When an accommodation does come, it will emerge from a very prolonged test of strength and not from a master plan orchestrated from Pretoria or from Washington.

So, to conclude, reform from the top in South Africa in my view was a nonstarter as a genuine solution to South Africa's political conflict, and the United States ought never to have tied its own policy to such a doomed concept. By enlisting the support of this administration, South Africa has bought itself an extended lease on life, and by allowing itself to be thus enlisted, the United States has aided and abetted racism and lost, perhaps for a very long time to come, much of the goodwill of South Africa's black majority.

Thank you, Mr. Chairman.

Mr. WOLPE. Thank you all very much. I apologize for the time restrictions, but I think you all have done well to accommodate yourselves by them.

I would like just to kind of ask the panel for a moment, if you would, to kind of project into the future. What is the likely course of developments in South Africa over the next 2-, 5-, 10-year period? What do you see happening within that country? That would be the first kind of question.

The second is, how should the United States respond to those developments inside the country. What would be the most appropriate course of action, both from the standpoint of facilitating the process of change inside South Africa and from the standpoint of protection of American interests within the region?

Who would like to go first?

Mr. GANN. I do not profess to have a crystal ball. All I can say is that I do not foresee a revolution. I do not consider that the youthful unrest in the townships can overthrow the Government. And I would like to reiterate to you that when you look at the literature concerning South Africa, you will find shelves full of books that repeat the same metaphors: the clock that always stands at 5 minutes to 12, the sands that are always running out, the powder barrel that is always ready to explode. These are mechanistic metaphors, but they are not explanations.

South Africa is a very complex society. It does not face a revolutionary situation, because the army has not been defeated, the police have not been disrupted. And you cannot overthrow a government simply by strikes. Look at the British generals' strike of 1926. Look at the strikes in Poland, during the early 1980's.

You certainly cannot do it when there is a great reserve army of labor available outside, people who can be recruited in Mozambique or wherever. So when we deal with South Africa, we have to deal with the people who in fact wield power.

We will not gain the good graces of the African National Congress whatever we do, because the African National Congress is a Marxist/Leninist body, or at least one with a Marxist/Leninist core. The goals of the ANC are truly different from ours. The ANC is linked to the South African Communist Party. It professes very similar ideals. And if you do not believe that, look at their publication, look at *Sechaba*.

As regards our own posture, instead of boycotting South Africa, we should be applauding the South Africans when they make reforms. The reforms that have been introduced here in the last 5 years are not insignificant. Our anti-South African stance, however, merely weakens the verligtes, as South African conservatives become convinced that reforms merely lead to heightened U.S. hostility.

As regards the conclusion of the last speaker before me, I trust that she is not right, because her views are identical of the extreme right wing, the Herstigte Nasionale Party [HNP], and this is not a group that I would like to see prevail in South Africa.

Mr. WOLPE. Ms. McDougall.

Ms. McDougall. I cannot predict how all of these forces will be resolved in the end, but I think that over the short term, there is going to be some, I will not call it reform of apartheid, but rather

reorganization of apartheid. That that will be in reaction to international pressure. But it will not in any way be fundamental. The demands for the one clear solution, which is one person-one vote in a unitary state will persist.

Resistance will continue, and will increase. It will be widespread. I think that the sabotage campaign will get a new life, that is the sabotage campaign of the ANC. I think that the ANC will eventually find a way through the blockade of the Nkomati accords.

And so I think that we are going to see over the next few years at the very least a continuing clash of forces in South Africa, and it will become increasingly ungovernable.

As far as what the United States position should be, I think that the Government and the forces of the status quo in South Africa should be isolated. And so contacts, public and private, between this country and those forces of the status quo in South Africa should be cut.

I also think that this country has an obligation to give massive assistance to the governments of the front line states rather than aid the reactionary forces in those countries such as Savimbi. I think that we have an obligation to help those countries withstand the pressures of existing next to an apartheid state.

Mr. WOLPE. Mr. Karis, Professor Karis.

Mr. KARIS. I find myself in a good deal of agreement with much of what my friend Lewis Gann has said, except that I think that he is setting up straw men. I certainly do not think that revolution is around the corner. In fact, if I could just take a moment to distinguish myself from the academics that he has in mind, in 1963 I concluded something that I wrote on South Africa by predicting that the end of "white domination" would surely come by the year 2000. And even today, I am not entirely sure if it will come to the end by then.

I think that in the next few years we will see more of what we have been seeing. And there will be still greater politicization and greater determination on the part of blacks.

I think one of the straw men that Lewis Gann sets up is the notion of revolution as occurring at one time through arms. Certainly, youthful unrest cannot overthrow a government. There is distinction between unrest and revolution.

The white police have not been disrupted, but the black police force has been very much disrupted. But again, none of these particular events in themselves is going to bring down the government. These are straw men.

I think that the definition of revolution that was used by the prosecution in the great treason trial of 1956 to 1961 is appropriate for South Africa. The definition roughly was that revolution was a process that involved strikes, boycotts, civil disobedience, all of this culminating in revolutionary change. But I cannot see exactly how that culmination will come about.

I am really surprised to hear anyone say that South Africa is not in a prerevolutionary situation. South African officials themselves, I think, would disagree with this. The economy has not broken down. But in visiting South Africa last October and November it seemed to me that the fall of the Rand and the sense of closing in

on whites has produced a kind of psychological watershed for whites qualitatively different from white reactions in 1960 or 1976.

Again, if whites leave, that is not going to bring about a revolution. But there is demoralization, a sense that the Government is floundering. The Government can stay in power; I do not know for how long. But there are no believable signs of a genuine coming together, of action by the so-called *verligtes* in the National Party, that could succeed, given police conduct and so forth, in producing legitimacy for that government.

I really did not intend to engage in debate with Lewis Gann, but these points, I think, are relevant to your question. More of the same for the next 2 to 3 years.

Mr. WOLFE. And could you also respond in your answer to the comment that was just made earlier, that is with respect to how we should posture ourselves to the African National Congress on the grounds of whether it is a Marxist/Leninist body that is hostile to the United States, and are there better options available; how would you react to that observation?

Mr. KARIS. Yes. One could look through Secheba and find some pretty quotable stuff. But if one looks at the ANC as a movement, a broad omnibus kind of umbrella movement, it has all kinds of people in it. And to say that they are totally unsympathetic to the United States is not a valid generalization.

Certainly, ANC leaders have been able to talk in a very rational and I think cordial way not only with Members of the American Congress, but also with leading American businessmen. I understand that President Tambo got along marvelously well with Senator Kassebaum. That may be looked upon as simply public relations on their part, but I am convinced that there is a broad-based concern in the ANC for support from all sources. Not only for support from the Soviet Union, and indeed the ANC has links with the South African Communist Party. But there are very wide relationships with Western European democratic parties, the Socialist International, and so on.

Indeed, in my visit to South Africa recently, I talked with blacks who criticized the ANC from the left, who find that it is overemphasizing the nationalist struggle, who find it not sufficiently socialist.

The Freedom Charter of 1955 is still the central document of the ANC, and that is rather a mish-mash of a document, which calls for a kind of bourgeois state with a mixed economy and some degree of nationalization, not much more than now already exists under South African state capitalism.

I do not want to take more time to talk about policy. I think that the problem, if I can put it in the form of a question is how can the United States more effectively and credibly identify itself with the black majority?

I have one disagreement with Gay McDougall. I would not like to see an end to the various forms of aid to education in South Africa, if that is what she implied. In fact, what I would like to see is an extension of American aid to the Solomon Mahlangu Freedom College in Tanzania, the ANC's secondary school.

I spent 3 days at that school. And in meeting with groups of students, I certainly did hear a great deal of criticism of the United

States. I also heard from some of the students there praise for the Soviet Union. But in talking more privately with some of the students, again I was struck by the extent of pragmatic eagerness to get the widest support for what is essentially a nationalist struggle.

Indeed when I gave a talk to the whole secondary school, one of the questions posed by one of the older students quite struck me. He said, "Do you think that if only we could publicize the Freedom Charter more widely that we could succeed in winning more wide sympathy and support from whites for the struggle?" It was very easy for me to say yes, because, as I said, the Freedom Charter is really such a moderate document.

Mr. WOLPE. Thank you. Dr. Gerhart.

Ms. GERHART. Your question is such a broad one, Mr. Chairman, that it is really hard to take it on all fronts. But if I could just mention a few things that seem salient to me.

I am quite aware of the danger that Professor Gann has noted of the constant anticipation of revolution around the corner, and I think that this is a misperception perhaps prevalent in the townships today among some of the youth, and it is firing some of their more radical types of action at the moment.

I do not think that it is a point of view that is really prevalent among analysts or close observers of the situation either inside or outside, this notion that it is five minutes to midnight.

I think that it is actually quite possible that the next 5 to 10 years may see another period of lull in South Africa in the sense that the government may be able to dampen down the current unrest and recreate some semblance or normalcy. I am not predicting that, but I think that it is a possibility.

However, I tend to take the long view as a historian who has looked into the long history of black protest and opposition in South Africa. If you do that, you see that there is a recurring pattern. That there are long periods of lull, and these periods are always followed by another upsurge. And each time that the new upsurge comes, it is stronger and more solidly supported, and has wider and broader backing from the black population.

1949, 1960, 1976, 1980, each time the cycle of resurgence begins again, it begins after a shorter lull, and there is a generational dynamic here of each new rising generation wanting to make its mark and to overcome what it sees as perhaps the weaknesses of the preceding generations.

So I think that we cannot make the mistake of being too explicit about the timeframe, but I think that we can certainly be assured in predicting that even if there is a lull, there will be another resurgence, and that resurgence will be stronger each time.

This problem is not going to somehow fade away, because conservative opinion would like it to do so.

Just to comment on the power of the South African military. I do not think that it is actually technically true that the South African army has never been defeated. It did retreat from Angola in 1976 in quite some considerable disarray as a result of meeting stronger hardware that it was not prepared to take on.

And while I do not think that we can suggest that the ANC is any challenge to the South African garrison state militarily at the moment, I do think that if there is continued widespread violence,

if there are increasing numbers of border incursions, acts of sabotage, and so forth, that we will see the South African security forces stretched thinner and thinner as time goes on, so that the white population generally will develop a much more acute siege mentality.

Young whites will be drafted for longer and longer periods of military service. More will leave the country. The psychosis of siege and defeatism may increasingly prevail in the white community, and this will undermine the strength of the regime.

I think that my views on what the United States should do are fairly clear. They should put an end to the appeasement of the South African Government that we have seen over these last 6 years, and they should take a stand that is much more firmly committed to a just outcome, and they should apply increasing forms of prudent but firm pressure to the South African Government to speed up the timetable of change, and bring the conflict in that country to a speedier resolution.

Mr. WOLPE. Thank you very much. Now I would like to yield to my distinguished colleague, Mr. Siljander.

Mr. SILJANDER. Thank you, Mr. Chairman. This is a question that I have been pondering. Each person from South Africa that I have met, I have asked them this question, and I would like to ask all four panel members. I do not want you to draft a new constitution today, but do you see a constitution which the major players in the white and black communities could agree on in a pluralist form of government, do you see any reasonable structure that could be established that the whites would agree to, and the majority of the black leaders would agree to that engages in some format of one man and one vote, at least to a limited degree as we have here.

Mr. GANN. South Africa is not at all like the United States. South Africa is more like the old Austria-Hungarian empire, or a country such as Lebanon or Cyprus, a country split into conflicting communities.

I cannot see one man, one vote being accepted by the whites except after a civil war which the whites have lost.

I could see a sort of grudging compromise arrived at after a long period of struggle where the barest factions find that they simply cannot defeat each other.

The constitution that I would like to be looked at is the much-despised Turnhalle Constitution which was never truly enacted in Namibia, which granted community representation.

But this is something that we have to keep in mind. South Africa is not merely a multiracial country; it is also a multiethnic country; and if every South African, black or white, were to be given an injection tomorrow which made him or her of one color—green, black, white or anything—the ethnic struggles that have divided Turks and Greeks and different kinds of Lebanese, and different kinds of Irishment in Ulster would still continue.

These are extremely difficult to solve, and there is no perfect solution, and the assumption that we, the United States, can force a sort of peace conference, and then there will be a signed treaty, and then everybody will go away happily practicing one man, one

vote is sheer academic illusion. It is part of an academic dream-land. It has no—and I repeat—no relation to reality.

An uneasy compromise between different ethnic groups is the best that I can see; and, again, I would like to remind your committee: Look at Zimbabwe during the revolutionary struggle, we were told the ethnic black divisions are merely talking points for reactionism, racist; the revolutionary fires will afford a new revolutionary unity. They have done nothing of the kind. The problems in Zimbabwe are not now those between blacks and whites, but between black ethnic communities.

So, the new constitution that I would like to think about would take note of the differences between Tswana and Zulu, as well as the differences between Indians and Europeans.

Ms. McDUGALL. I think that is a very difficult question. I think that the answer depends on at which stage in the struggle the negotiations take place.

I think it is going to be an issue, however, that must be left to the people of South Africa to work out in the context of the struggle as it develops.

Mr. SILJANDER. But you would not see any specific framework, though.

Mr. Gann alluded to a constitution presented in Namibia which was not adopted—at least some general format.

Do you see any structure whatsoever that would be acceptable from your analysis and from your experience, and your discussions with the variety of factions there?

Ms. McDUGALL. Well, as I say, I think that it depends on at what stage in the struggle the negotiations take place. I think it is true, at this point there is not going to be an agreement from the Afrikaners on one person, one vote in a unitary state.

And at this point, that is all that is acceptable, I think, to the black majority.

Mr. SILJANDER. Let me just throw out this point to the next two respondents.

One man, one vote is not a pure system. We do not have that in the United States. There may be some facsimile of one man, one vote; some framework under that concept, but we do not have that fully in the United States.

The U.S. Senator from New Mexico has as much voting power in the U.S. Senate as the Senator from California; New York, which has millions more people than the Senator from New Mexico. I am just trying to say that we do not have a pure one man, one vote here. There may be some sort of in between House and Senate type of a concept for South Africa, based on something different besides States, as we have it.

I do not know. I do not have the answer. I have not written the constitution; I do not think it is my job to. But as we have talked about today, our role in the United States can be an important role. Some would advocate sanctions; some would advocate reconciliation; some would advocate having the religious groups get together. I am just trying to find ideas, draw ideas to submit to the South Africans—and you are right: They have to take care of the situation themselves, but we can be serving them with ideas, help, assistance.

As I said in my opening comments. I believe that is important, and maybe—I could ask the last two analysts to respond quickly, briefly.

Ms. GERHART. Well, yes. I think in my original presentation, I made the point that I do not believe there is any common ground at this stage in which blacks and whites could draw up a plan that would be mutually agreeable to a broad constituency that covers them both.

That does not mean that it would not ultimately be possible under different circumstances. But I think we have to clarify, Congressman Siljander, what a one-man, one-vote system is, which you say we do not have in the United States, because people are differentially represented, depending on the size of constituencies, and so forth.

We do have a universal franchise, and we do have a system that is not based on ethnic communities, at least nominally it is not based on them.

We have a federal system, and we have a single member constituency system. That is different from, say, proportional representation, where you might have people represented by parties with lists and so forth, as they do in Israel and some other political systems.

It may be that South Africa eventually will arrive at some form of proportional representation politics that may work for them better than a single member constituency system like our own or like the British one.

That is not to say that they need communal politics as my colleague, Professor Gann, is suggesting. I think this is exactly what they do not need.

This is the myth which has been built up and reinforced and drummed into South Africans and the rest of the world—

[The power fails.]

Mr. WOLFE. Professor Gerhart, we lost your response to Mr. Siljander.

Ms. GERHART. I will defer to Professor Karis.

Mr. WOLFE. Professor Karis.

Mr. KARIS. Well, Congressman Siljander. I think the question you ask is one which is interesting all kinds of people these days. All kinds of groups are being organized, it seems, to discuss post-apartheid South Africa.

I think the brief answer to your question as to whether it is possible is "no," and I take it that that is the answer that Lewis Gann also gave.

That is "no" in the sense that it is not possible to bring together some kind of compromise constitution short of moving toward a universal franchise.

And I would just like to underline what Gail Gerhart said about the importance of the franchise. I think it has to be seen as an indication of human dignity and equality; and it therefore simply cannot be escaped as essential in any kind of constitution.

Virtually every popular black leader since the end of World War II has accepted that as a goal. May I add a word about African National Congress attitudes on this.

I had the opportunity to spend about 8 days with the African National Congress in Lusaka, Dar es Salaam, and at the Solomon Mahlangu Freedom College. I found it interesting to ask questions about federalism, a future bill of rights, and so on.

There appears to have been little thought given to political structures under a future constitution. There is even confusion between a unitary system of government and an undivided country. The latter is the main aim.

It is quite understandable that there has not been much attention given to institutional structures because the ANC is concerned with defeating a white minority regime.

But I believe that there are negotiable openings with regard even to federalism. Federalism has a bad odor to it, because it is looked upon as simply another mechanism for restraining the majority.

And yet there is, I am convinced, an openness to discussion about a bill of rights and judicial review, for example, as curbs on the majority.

This is all very hypothetical. At any rate, the main point I want to make is that what is really non-negotiable is the universal franchise.

Mr. SILJANDER. One last quick comment, Mr. Chairman. Most of my time was taken up in the blackout.

But could I just have a yes and no from all four of you—if you can. If you can't, just simply say no answer.

Mr. CROCKETT. About the one man, one vote?

Mr. SILJANDER. I am.

Mr. CROCKETT. I would like to make an observation before you leave that.

Mr. SILJANDER. Well, if I may make my comment, I will be happy to yield to the gentleman. The chairman would agree that I could make my final questions.

Mr. Crockett, I would be happy to yield to you.

Mr. CROCKETT. Yes, you know sometimes I think that we Americans are perhaps the most conceited, and more arrogant people on the face of the Earth.

Why should we have to assume that every other nation's road to democracy has to follow the American road?

Why do we have to assume that, in order to have democracy in South Africa, you have got to have the American standard of one man, one vote.

I think that is an issue that has to be worked out by the South Africans themselves.

I think the primary question now is whether you are going to bring about the chance, which everyone agreed has got to come in a peaceful manner, or in a violent manner.

And I think that should be our primary concern.

But we are not going to even get to that, until we somehow manage to create the conditions that permit peaceful negotiations.

I am inclined to agree—and I do not always agree with Secretary Shultz and the State Department, that the primary considerations now are the release of Nelson Mandela, and a recognition of the African National Congress.

And once you do those two things, you begin to create the framework for resolving the question, one, what kind of change shall

take place; and, two, what kind of Government shall come into existence in South Africa?

Thank you Mr. Chairman.

Mr. WOLPE. Thank you, Mr. Crockett. Mr. Siljander?

Mr. SILJANDER. My answer to that question is——

That's even a possibility. It seems like with a move for sanctions, and a variety of other economic pressures on the Government of South Africa to change—the diplomatic pressures, all the other types of standards we are placing in South Africa, I wonder if the panelists, would think it unfair to place those same standards on Communist countries, as Angola, Mozambique, and Ethiopia.

From my point of view, forced relocation, starvation, the totalitarian regimes with incredible oppression on its people is far worse than the apartheid that we all find so horrendous in South Africa.

So, do you not think that it would be reasonable enough to apply at least the same standards to other countries on the same continent?

Mr. GANN. I certainly think that we ought to apply the same standards.

As regards one man, one vote, Botha could introduce that tomorrow. All he would have to do is to insist that only the Nationalist Party, the ruling party and no other party can put up candidates. This is done in Angola; this is done in Mozambique; this is done in Zambia; this will be done in Zimbabwe, if Mugabe's design for a one-party state is carried out.

But I do not believe that we should apply a dual standard, which is what we keep doing.

Ms. McDougall. Well, I certainly think that we must be concerned about violations of human rights no matter where they exist, and I think that we must take actions that are appropriate, in order to see that those human rights are respected, wherever.

Ms. GERHART. Well I would certainly agree with that, but I would also go back and endorse what Congressman Crockett had to say about the inappropriateness of trying to apply American notions of what is good government and what is not.

I do not think it is absolutely necessary to require a multiparty system to have good government or progressive government in Africa.

In this day and age, we have some examples of quite progressive governments, which are not competitive multiparty systems, so I do not think that that is something that, you know, puts the government beyond the pale.

Mr. SILJANDER. Well, if I may just interject, we are applying our values, our mores to change in South Africa.

Ms. GERHART. Yes.

Mr. SILJANDER. It is fine—it seems to be fine in one dimension, on the elements of all of the things that make up and support apartheid. We want to apply our moral values, our American culture, what we feel is morally right.

It seems right in that hand, but, yet, when we begin talking about, can we apply similar values toward Communist structures, we are arrogant all of a sudden.

Ms. GERHART. Well, we are talking about——

Mr. SILJANDER. I am not saying we have the answer.

Ms. GERHART. If we are talking about human rights, violations of fundamental rights to life, liberty, property—

Mr. SILJANDER. Yes; I am just saying that those should be applied to Ethiopia. They should be applied to Angola. They should be applied to Zimbabwe and Mozambique and other Marxist-Leninist tyrannies that are oppressing their people through starvation, relocation, and thousands, tens of thousands of deaths—it sounds far more important to me than—

Ms. GERHART. Well, I think the starvation in Mozambique can mostly be put at the door of the South Africans and their agents in that country, not at the—

Mr. SILJANDER. So, communism is not to blame in Mozambique, it's the South Africans?

Ms. GERHART. Well, I think the drought is the principal cause of the famine in Mozambique, but it is the disruptions of the South African destabilization campaign there which has exacerbated it.

Mr. SILJANDER. Besides the fact that Bulgarians came in and burned the land with their fertilizer and corrupted their economy with socialism, has a lot to do with it besides famine.

Mr. Karis—

Ms. GERHART. Well, let's clarify the question again for me. I am not sure what it is that you are asking.

Mr. SILJANDER. Well, I was just responding in the Mozambique, but my time—Mr. Karis, can you respond to the other question?

Ms. GERHART. I certainly agree that we should have one standard, and that we should apply it equally throughout Africa.

Mr. SILJANDER. I am glad to hear that.

Ms. GERHART. And I hope that that is what our policy will do.

Mr. KARIS. Very briefly, I am against double standards. I think that it is not in the case of South Africa a matter of our applying our values to them, because if one looks at the history of African liberation movements in South Africa, they have themselves identified with Western values.

I would like to make a special point, though, about the distinction between, say, United States policy toward South Africa and United States policy toward Angola.

In talking with blacks, I do not find blacks are expecting that the United States should win the struggle for them.

What they are asking for is that the United States should withdraw support for the regime, and there is a distinction, therefore, between United States policy toward South Africa and Angola.

Mr. SILJANDER. Thank you.

And, Mr. Chairman, just to end my comment by saying that is precisely why it seems a little frustrating in Angola where there is a Communist government, that this Government does, in fact, through Eximbank and other banks assist Gulf Chevron, which provides 90 percent of the revenue of the Angolan Government. So, I quite agree, and I hope the chairman—and I guess my question to you, too—I hope that in this committee we can apply the same standards as we do in South Africa, which I am not opposed to, to other countries in the region.

Mr. WOLFE. Let me at this point—thank you, Mr. Siljander—let me at this point—I want to yield in a moment to my distinguished

colleague, Mr. Crockett, for a statement that he wishes to enter into the record.

I should express some frustration. Our time constraints today are just impossible. There are a whole series of questions that I—and I am sure that my colleagues would like to put to the panel; we are so far behind, because we started late, because of the length of the testimony; and Dr. Crocker has arrived, and we must move on to receive his testimony.

I would like to propound, and my colleagues may as well, some questions in writing, related, for example, to your evaluation of the impact upon sanctions, on the situation in South Africa.

Those sanctions have already been applied; how black leaders within South Africa are reacting to the imposition of sanctions, and what their views are of appropriate American policy at this point.

We do not have time to get into those kinds of matters verbally at this juncture, but I hope you will all be able to respond in writing to those questions and any others that members of this panel might care to put to the panel.

Let me thank you all very much for your excellent testimony and for raising for this committee and for the American public the kinds of issues that are at stake in American response to South Africa.

Thank you very much.

Let me now yield, as we invite Dr. Crocker to come forward as our next witness, to my colleague from Michigan, and the ranking majority member of the committee, Mr. Crockett.

Mr. CROCKETT. Thank you, Mr. Chairman.

Notwithstanding the partial news blackout in South Africa, most of us are aware of the unrest and violence that have taken place recently in Alexandria, one of the townships in close proximity to Johannesburg.

During that recent unrest and violence, a group of lawyers interviewed some residents who were witnesses to the acts of brutality committed by the South African police, and the South Africa defense forces. These eyewitness accounts were recorded at a crisis center that had been established by the Black Sash, and by the Lawyers for Human Rights, and by the Detained Parents Support Committee, and the Alexandria Civic Association, just outside the township at an Anglican church.

These accounts were given to the Lawyers Committee for Human Rights, which is based in New York, and which has been conducting an ongoing investigation of the human rights situation in South Africa during the present civil unrest.

I have with me, Mr. Chairman, a summary of those affidavits, together with copies of the eyewitness accounts themselves, and I ask unanimous consent to place in the record, the findings of the Lawyers Committee that incorporates a prepared statement submitted by Attorney Helena M. Cook, and accompanying that statement copies of the accounts of eyewitnesses to the brutality recently inflicted on the people of South Africa in Alexandria township.

Mr. WOLPE. Thank you very much, Mr. Crockett and I will certainly see that without objection that will become part of the record.¹

And, now, Assistant Secretary Chet Crocker, we are sorry for the tardiness of your arrival here, on the panel. We started very late because of Democratic and Republican Party Caucuses that were in process this morning.

I thank you for your patience. We invite you, of course, to summarize your written testimony. The entire text, of course, will be entered into the committee record.

Dr. Crocker.

**STATEMENT OF HON. CHESTER A. CROCKER, ASSISTANT
SECRETARY OF STATE FOR AFRICAN AFFAIRS**

Mr. CROCKER. Thank you very much, Mr. Chairman.

I will attempt to comply by briefly summarizing the written testimony.

I am pleased to be here today to review events in South Africa in recent months—

Mr. WOLPE. I don't know if the microphone is either on or just not close enough, we cannot hear you.

Mr. CROCKER. Can you hear me OK now?

Mr. WOLPE. That is fine.

Mr. CROCKER. I am pleased to have this chance to review recent developments in South Africa and our policy toward that country.

The crisis in South Africa, which became visible in late 1984 persists. The politics of that country remain polarized. There is no dramatic opening toward negotiations. Violence continues; repression continues. The issues there continue to engage our sympathy, our interest, as well as to test our patience and our resolve.

South Africa is still a divided country, with much suspicion and mistrust. We would emphasize that black and white South Africans tend to look at their country, and see two different realities.

For one group, the glass is seen to be filling at a very rapid rate. For the other, it remains nearly empty.

White South Africans emphasize how much change has taken place in recent years and how much the government has conceded in recent months. A state of emergency has at last been lifted; negotiations are called for by the government; powersharing is called for by the government. Apartheid, as a doctrine, is declared to be outdated. The government has announced that politician domination by a minority, petty discrimination, the inequality of opportunity, and such things as the pass laws are to be eliminated. The government has proclaimed the goal of an undivided South Africa; a common citizenship and a universal franchise, things which would have been unthinkable coming from that government a few years ago. As I said, to white South Africans, these changes appear to be dramatic.

Looking at the same events, many black South Africans see something quite different. Some of these changes appear to be marginal. Whatever concessions have been made or promised, blacks

¹See appendix p. 115.

still lack citizenship; they do not have the ability to vote for their national leaders; they must still have their children educated in a segregated school system, and they are confined by law, in terms of housing and residence to areas where there is crime, intimidation, and so forth.

In these circumstances, after nearly 20 months of violence, some 11,000 detentions, and 1,200 deaths, it is not surprising that politics in South Africa are polarized. Nor is it surprising that the Government should find it harder to dismantle apartheid than it did to impose it in the first place.

These factors are compounded, Mr. Chairman, by a fact that the economic downturn has produced additional strains and pressures—budgetary pressures. We all know that the process of reform in various fields costs money, but instead of having more money, we have a recession or a depression in South Africa with high unemployment. In addition, there has been an increase in external economic pressures of various kinds; the debt standstill, which you are familiar with, the sharp fall in the value of the rand until recently when it picked up somewhat in value.

There are, in sum a number of worrying trends: The violence and repression disturb us, I think, all the more because of their implications for human life and for human rights. As Dr. Martin Luther King has said, "Violence and repression foster bitterness in the survivors and brutality in the destroyers."

Among whites, one hears talk about a "backlash," about a "siege economy." Meanwhile, across the black community, what we see taking place is a loosely organized mass movement, often led by youngsters who operate outside the law and without identifiable leadership.

One can hope that with the Government's decision to lift the state of emergency, a move we have insistently advocated, that there will be an opening and a breakthrough that would see reduced violence and a recourse to negotiations.

So, summarizing the situation, Mr. Chairman, we see South Africa poised on a knife edge. You might say a knife edge between hope and despair. The Government has made some important political commitments and decisions, decisions of principle which are of undisputed importance. It is perhaps fair to state that, at long last, the many messages being sent to that Government, primarily by the people of South Africa themselves, but also by us and many others, are being heard.

But this does not mean that a breakthrough toward peace and negotiation has occurred; it has not. A number of the Government's own statements of intent have been undercut by subsequent actions or inactions. Positive words need to be translated into unambiguous action.

As I have said, the polarization continues; the violence continues. Fragile openings for negotiation must be nurtured. It is a time, in our judgment, when people of moderation and courage on all sides need our encouragement, to produce results for their own varied constituencies.

Throughout several administrations, including ours, the United States has sought to use our influence, limited though it is, to work against apartheid and for peaceful change, and not to work against

the innocent victims of apartheid. We have also recognized South Africa's pivotal role in southern Africa and the need for regional stability and security in that part of the world.

Improved relations between South Africa and its neighbors, as well as the issue of internal change in South Africa, relate closely to each other. These have been the main features of our policy. They remain the main features of our policy. I should add that South Africa, as we look at it today, is, in a sense, a moving target. We have to track very carefully how events unfold, often unpredictably, often beyond our control.

In a sense, there is no status quo in South Africa. What we seek to do in these circumstances is to help to create conditions that will draw people of goodwill, the overwhelming majority, together, encouraging the Government to repeal all apartheid laws, and to continue with positive change, to end repression, to stop forced removals, to end the grants of independence to so-called homelands, to release detainees and political leaders such as Nelson Mandela, to take steps to get black schoolchildren back into schools, and to respond to calls by moderate blacks for negotiation. These are things that we have consistently done, publicly and quietly, sometimes with effect, sometimes not.

By the same token, we have urged black leaders to avoid extremist solutions, to give credit where it is due, to pursue openings where they exist. Here, again, our case is compelling, we believe. Sometimes it is accepted; sometimes it is not. The important thing is that we are actively pursuing goals, goals which we believe all Americans share. We believe our moral responsibility, Mr. Chairman, is each day to think through the results of our actions.

When President Reagan signed his Executive order on South Africa last September he said that he wanted to work with Congress to increase bipartisan support for United States policy toward that country. He said—and I quote:

I respect and share the goals that have motivated many in Congress to send a message of United States concern about apartheid; but in doing so, we must not damage the economic well-being of millions of people in South and southern Africa.

United States policy toward South Africa has proceeded from that premise throughout this administration. That was the purpose of the Executive order; to make clear a unified message from the executive branch, from the legislature, and, most important of all, from the American people of our rejection of apartheid.

We have implemented that Executive order swiftly and in good faith, and I will not detail here all the steps that have been taken toward implementation of the Executive order, but perhaps, if there is interest in that, we can pursue it further.

The Secretary of State has established his Advisory Committee on South Africa, a distinguished group of Americans, which has begun its work. He has met with it himself several times, to underscore the importance he attaches to its conclusions and its ongoing work; and he will, indeed be seeking its advice from time to time, even before the final report.

In addition, we have increased our assistance programs to help and support South Africa's disadvantaged majority. USAID, as I think you know, has been expanding its programs, and you have

had reports on that. Other agencies, as well—USIA and Commerce—have taken steps to add to their programs aimed at South Africa's black community.

In addition, we have established a working group on South and southern Africa, under Ambassador Doug Holladay, whose goals are to take initiatives aimed at encouraging wider understanding of our policy goals, and increasing the flow of privately supported exchanges with South Africa.

I should mention, in addition, our attempt to open a small post in Port Elizabeth, an effort which has met some resistance and questions in Congress. I hope, Mr. Chairman, that you will find it possible to reconsider your views on this subject. We believe a post in Port Elizabeth could serve important U.S. national interests, particularly in light of the U.S. commercial presence there as well as the obvious importance of the Eastern Cape black community with which we wish to be in active contact.

Apart from these recent initiatives, the point I wish to underscore, Mr. Chairman, is that President Reagan has directed us to be even more actively involved across the political spectrum in South Africa during this painful period. While I cannot go into the substance of delicate diplomatic exchanges, we have used these channels to underscore our views about what must be done to create a more constructive context in that country.

Like others, we have stressed the need for the Government to send clear signals of its intent to scrap apartheid, and to negotiate a new system based on democratic principles. Where there are openings to advance specific goals, or to pass quiet messages from one group to another, or to support initiatives launched by others, we are doing so. In addition, of course, to our private diplomacy, we continue to speak out clearly and forcefully against continuing abuses. We seek, as well, to make clear our strong conviction that violence from whatever quarter deserves no U.S. support. Similarly, we do not believe that purposeful reform and basic change can be encouraged by augmenting South Africa's current difficulties.

So, I have described a situation, Mr. Chairman, in which the South African scene is delicately poised. We are determined to act, and we are acting responsibly. It is too soon, in our view, to draw conclusions about the impact of the growing crescendo of internal and external pressures for change; and it would be downright dangerous for us, perhaps inadvertently, to take steps or to adopt postures which could maximize intransigence or foster illusions on either side. Our goal must be to encourage the Government and other communities there to open doors and to walk through them.

I would conclude, Mr. Chairman, by noting that, in addition to our own efforts, South Africa will come under close scrutiny in this coming year. The Commonwealth Eminent Persons Group, the European Community, the Secretary of State's own advisory committee, Western banks—indeed the whole world is watching South Africa closely.

There are different time schedules, some synchronized, some not. Forecasting South Africa's future is a task full of pitfalls. There are encouraging signs; there are discouraging ones as well. What I think we can all agree about is that 1986 will be a decisive year in that country's history. It is not a threat, but a dispassionate predic-

tion that South Africans cannot afford another year like the last one.

Our hopes, our diplomacy, and our prayers are with them, as they grapple with dilemmas and injustices built up over many years to chart a way forward around the abyss of violence toward a democratic system.

Thank you very much.

Mr. WOLPE. Thank you very much, Dr. Crocker.

[Dr. Crocker's prepared statement follows:]

PREPARED STATEMENT OF HON. CHESTER A. CROCKER, ASSISTANT SECRETARY OF STATE
FOR AFRICAN AFFAIRS

Thank you for this opportunity to appear before you today on the important subject of U.S. policy toward South Africa.

In my time with you today, I should like to review events of recent months in South Africa. I shall then describe our policy toward that unhappy country and conclude by venturing my views on the prospects for peaceful change.

The Situation in South Africa

The crisis in South Africa, which broke into public visibility in the fall of 1984, persists, Mr. Chairman. Politics remains polarized and shrill, making it difficult for moderates on both sides to meet, much less negotiate. Violence and repression occur at levels that disturb all of us who hope for peaceful change in that country. And the issues there continue to engage our sympathy as well as our national interests, and test our resolve as well as our patience.

South Africa, in short, is still a divided land. Suspicion and mistrust abound. Black and white South Africans tend to look at their country and see two different realities. For one group, the glass is seen to be filling at an unprecedented pace; for the other, it remains nearly empty.

White South Africans will emphasize how much change has taken place in recent years and how much the government has conceded in recent months. The state of emergency has at last been lifted; power-sharing and negotiations are called for; apartheid is branded as "outdated"; the government has announced that political domination, petty discrimination, economic and educational inequality and the pass laws are to be eliminated. An undivided South Africa, a common citizenship and a universal franchise -- these are political commitments by a National Party government that would have been unthinkable a few years ago.

To white South Africans, these changes appear rapid, even revolutionary. In some, such change inspires fear; in others, it provokes resistance; and to many, it offers the promise that a more just society can be arrived at peacefully.

Looking at these same events, many black South Africans see something quite different. Such changes as have taken place appear marginal and grudging to them. Whatever concessions have been made or promised, blacks still lack citizenship; they still cannot vote for national leaders; they

REST COPY AVAILABLE

still must send their children to inferior schools; they still are confined to black areas where crime, intimidation and the presence of security forces are too common; black contract laborers still must leave their spouses and families behind in the homelands.

In these circumstances, after nearly 20 months of violence, more than 11,000 detentions and 1,200 deaths, it is hardly surprising that politics has polarized. Nor is it surprising that the South African Government should find dismantling apartheid far more difficult than imposing it.

A protracted economic downturn has produced new strains. High inflation, running at nearly 20 percent, and budgetary austerity have cut into funds available for social expenditures, affecting all sectors of South African society. Blacks, at the lowest end of the economic scale, are hit hardest. Higher unemployment and sharply increased costs for housing, transportation and food have clearly hurt blacks much more than whites.

External economic pressures have increased as well, leading to the debt standstill and a plummeting currency last fall. The South African Government is still negotiating with western banks over suitable terms for rescheduling the country's external debt. This debt crisis is unusual in that it traces more to political than economic causes, yet another indication of the true nature of South Africa's problems.

Of all these worrying trends, the violence and repression disturb me most because of their implications for human rights and human life and because they radicalize politics. As Martin Luther King said, violence and repression foster "bitterness in the survivors and brutality in the destroyers."

Among whites, one hears more talk about a siege economy and rightist parties proclaim loudly their opposition to further reforms. Meanwhile, what is taking shape across South Africa's black community, is a loosely organized, mass movement often led by youngsters who operate outside any law and without identifiable leaders. With the government's decision to lift the state of emergency, a move insistently advocated by us and many others, one must hope that we will at last see violence reduced and peaceful remedies pursued.

In sum, Mr. Chairman, the situation in South Africa remains balanced on a knife-edge between hope and despair. The Government has made some political commitments and decisions in principle which are of undisputed importance. It is perhaps fair to state that, at long last, the many messages being sent to that government -- primarily by the people of South Africa themselves -- are being heard. But this does not mean that a breakthrough toward peace and negotiation has occurred. A number of the government's own statements of intent have been undercut by subsequent statements or actions that raise further questions. Positive words need to be translated into unambiguous actions. The polarization and distrust continue at dangerously high levels. A climate conducive to dialogue is still to be created. The violence continues. Fragile openings for negotiation and for defusing the township crisis must be nurtured. It is a time when people of moderation and courage on all sides need our encouragement to produce results for their varied constituencies.

U.S. Policy

Through several Administrations, including this one, U.S. policy has sought to use our influence - limited as it is - against apartheid and for peaceful change, not against innocent people who are the victims of apartheid. We have also recognized South Africa's pivotal role in the southern African region and the need for regional stability and security. Improved relations between South Africa and her neighbors and internal change in South Africa relate to one another.

These remain the animating features of our policy today. In South Africa, we face a moving target where events unfold quickly, unpredictably and beyond our control. In a sense, there is no status quo in South Africa. Circumstances change daily, putting new demands on all involved.

For this reason, our policy sets out clearly the principles I mentioned as the basis of our strategy, and then proceeds with a tactical emphasis on process and results that will promote our broader long-term objectives. We do not aim to impose ourselves, our solutions or our favorites in South Africa; such an intrusion would be unwanted and unwise for any outside party.

BEST COPY AVAILABLE

What we seek instead is to help create conditions that will draw people of good will - the overwhelming majority - together. Encouraging the government to repeal all apartheid laws and to continue with positive change, to end repression, to stop removals and independence for so-called "homelands", to release detainees and political leaders such as Nelson Mandela, to take steps to get black children back into school, and to respond to calls by moderate blacks -- these things we have done insistently, publicly and quietly, sometimes with effect, in some cases unsuccessfully. By the same token, we have urged black leaders to eschew extremist solutions, give credit to the government when it is due, and not give up on negotiations and peaceful remedies. Here again, our case is often compelling and, frankly, it is sometimes rejected. The important thing is that we are involved, pursuing goals which I believe all Americans share. Our access to various groups and individuals gives us openings for using diplomacy and political and moral persuasion -- the most effective tools for us in these dangerous times.

In our diplomacy we are trying to help an unhappy but essentially friendly nation and to help lay the basis for a better future. Our moral responsibility each day must be to think through the results of our actions. When President Reagan signed his Executive Order on South Africa in September last year, he said that he wanted to work with Congress to increase bipartisan support for U.S. policy toward that country. He added: "I respect and share the goals that have motivated many in Congress to send a message of U.S. concern about apartheid ... but in doing so, we must not damage the economic well-being of millions of people in South and southern Africa."

U.S. policy toward South Africa has proceeded from that premise throughout this Administration. The purpose of the President's Executive Order was to underscore our message to the South African Government that the United States - its executive, its legislature and, most importantly, its people - reject apartheid.

BEST COPY AVAILABLE

Since the President announced his Executive Order, we have moved quickly to implement its provisions. Kruggerand and weapons imports have been banned, as have bank loans to the South African Government. Its restrictions on computer and nuclear exports are in place. The provisions regarding fair labor standards have been published and my colleagues in State are now registering all U.S. firms with more than 25 employees in South Africa.

The Secretary's Advisory Committee on South Africa has begun its work. This group of 12 distinguished Americans already held its third set of meetings with experts on South Africa this week. It will travel to South Africa later this year and also hold a public hearing here in Washington. Its report will probably be submitted by the end of this year. In the meantime, the Secretary has made clear his support of the Committee's work and of its independence. He has also indicated that he will seek its advice on U.S. policy toward South Africa, even before the final report. I am pleased and honored that these Americans are dedicating themselves to helping us with this problem.

BEST COPY AVAILABLE

We have also increased the U.S. Government's assistance programs available to South Africa's disadvantaged majority. USAID is expanding existing programs and will propose several new ones this fiscal year. Other U.S. agencies, particularly USIA and Commerce, have taken steps to add to their programs aimed at South Africa's black community. I should mention also the creation of the special working group on South and southern Africa under Ambassador Doug Holladay, an interagency office in the State Department. It has already undertaken several initiatives aimed at encouraging a wider understanding of our policy goals and at increasing the flow of privately supported exchanges with South Africa.

I should also mention our effort to open a small post in Port Elizabeth, an effort that has been resisted by members of this body. We want to open a post in the Eastern Cape to reach out more effectively to the various communities in that important part of South Africa. This, we thought, was perfectly in keeping with advice we have received from many places, including members of this House.

I hope, Mr. Chairman, that you will find it possible to reconsider your views on this subject. I believe a post in Port Elizabeth will serve important U.S. national interests, particularly in light of the U.S. commercial presence there, as well as significantly enhancing our political reporting capabilities and contact with the Eastern Cape black community.

Apart from these recent initiatives, the point I wish to underscore with these committees, Mr. Chairman, is that President Reagan has directed us to be even more actively engaged across the political spectrum in South Africa during this painful period. While I cannot go into the substance of delicate diplomatic exchanges, we have used these channels to underscore our views about what must be done to create a more constructive context. Like others, we have stressed the need for the government to send clear signals of its intent to scrap apartheid and negotiate a new system based on democratic principles. Where there are openings to advance specific goals, to pass quiet messages from one group to another, or to support positive initiatives already launched by others, we are doing so. In addition to private diplomacy, we have spoken out

clearly and forcefully against continuing abuses where these occur and will continue to make known our positions to the broadest possible audience. At the same time, we have continued to make clear our strong conviction that violence - from whatever quarter - deserves no U.S. support. Similarly, we do not believe purposeful reform and basic change can be encouraged by augmenting South Africa's current economic difficulties.

As I have said, the situation in South Africa is delicately poised. We are determined to act but also to act responsibly. It is far too soon in our view to draw conclusions about the impact of the growing crescendo of internal and external pressures for constructive change. And it would be downright dangerous for us - perhaps inadvertently - to take postures or adopt actions which could maximize intransigence or foster illusions on all sides. Our goal at this time, in short, must be to encourage the government and the other communities to open doors and to walk through them.

Prospects

As I have said, South Africa is still a divided country. And yet, ironically, all responsible parties in both the black and white communities wish for the support of the United States, perhaps more than any other outside nation, for their cause. This confers on us an inescapable responsibility and often pulls us in conflicting directions. This is where our resolve and our patience are tested. South Africa's problems were not created overnight and they will almost certainly be resolved more slowly than we would like.

And yet this quest for American support affirms that our course is the right one. Bishop Tutu's recent U.S. visit, on the one hand, and parts of State President Botha's January 31 speech, on the other, show that international opinion counts in South Africa. I am not suggesting that the United States or any other outside nation will play a decisive role in sorting out the South Africa dilemma. Instead, I contend that a course calculated to use our influence for the principles I have mentioned will keep us relevant.

South Africa will come under close scrutiny this year. The Commonwealth's Eminent Persons' Group, the European Community, our own Advisory Committee, the banks, indeed the whole world will be watching South Africa closely this year. Different time schedules have been set, some synchronized, some not.

Forecasting the future for South Africa is a task full of pitfalls. There are some encouraging signs but there is much to be discouraged about as well. What we can all agree about, I am confident, is that 1986 will be a decisive year in that country's history. It is not a threat but a dispassionate prediction that South Africans cannot afford another year like the last one. Our hopes, our diplomacy and our progress are with them as they grapple with dilemmas and injustices built up over many years to chart a way forward, around the abyss of violence, toward a democratic system.

BEST COPY AVAILABLE

Mr. WOLPE. I imagine that I have several questions. I understand that my colleague, Mr. Siljander, must go to another meeting, but has a single question he would like to put, and I would like to yield to him for that question.

Mr. SILJANDER. Mr. Chairman, thank you for yielding your time. Mr. Crocker, welcome. I have expressed on the record already some of my thoughts on South Africa, and asked the other distinguished panel several questions. And we cannot look at apartheid, in dealing with apartheid, without considering the regional considerations. Certainly Angola is one of them.

I have one question in two parts, and a yes or no response would be more than adequate as far as I am concerned. No. 1, is part of your, vis-a-vis the State Department policy, to stop all Eximbank loans to Gulf Chevron who are funding the Government, who are paying Castro \$1,000 per soldier per month for the Cuban surrogates and mercenaries in Angola?

The second question is: Is part of your policy to do all you can do to give Jonas Savimbi the specific tools he needs to fight Hine helicopters and Migs and apply pressure to the government toward the negotiating table?

Mr. CROCKER. Congressman, on the first point, at the present time all Eximbank related decisions are on hold, and that is where they are going to remain barring some developments of fundamental importance in our negotiating effort. Previous agreements reached that involve Exim are being implemented, as indeed they must be by law, but there are no new decisions being made. So, that's I think as good an answer—

Mr. SILJANDER. What is your policy? I mean you are the Assistant Secretary for African Affairs. What is your policy? What is the State Department's position?

Mr. CROCKER. The State Department's position is that all these transactions are on hold. There are none being approved.

Mr. SILJANDER. Except for the ones of maybe 1 year ago that could be stopped. There is a \$129½ million Eximbank loan approved back many months ago, announced back on October 1, that could be halted. Millions of those dollars could be stopped. And I wondered what would your position be on attempting to do that if that is feasible in the context of present law.

Mr. CROCKER. Yes. I think the agreement that you are referring to represents a contractual agreement going back to June 1984.

Mr. SILJANDER. Yes.

Mr. CROCKER. And I do not believe that that can be dealt with except through legal channels. There are legal commitments that have been made on that, and so that is proceeding forward.

On your second question, we obviously have made, I think, as clear as we can our desire to be of support to UNITA in ways that are effective, and that stands. That is our position. When I say effective, I mean in every sense. The broadest statement of Dr. Savimbi's own goals is to get a settlement in that country that could bring about peace and reconciliation. That is what we are trying to do.

Mr. SILJANDER. Well, as the last closing comment, Mr. Chairman, I just find it mind boggling that when Ronald Reagan, the President of the United States' position is to assist Jonah Savimbi in

UNITA that the same day, October 1, that the Clark amendment repeal took effect was the same day there is an announcement from the June 1984 contracts that another \$129 million would be funneled toward the—toward Gulf Chevron in Angola. I find it absolutely incoherent, inconsistent, mind boggling, and I would encourage you, Mr. Crocker—I believe from our research that there is money in the pipeline from that June 1984 agreement that could be stopped by law. I would hope that you would check into it very thoroughly, and if there is, do all you can to stop it. I hope I can get some form of commitment from you on that.

Mr. CROCKER. Well, as I have indicated, there are no new decisions being made. The last agreement that was reached on that subject was 1½ years ago, and that represents contractual commitments.

Mr. SILJANDER. Thank you, Mr. Chairman, for yielding to me.

Mr. WOLPE. Thank you very much.

Before turning to my questions, I should perhaps indicate that there are some of us that find it equally extraordinary that there could be some members of this institution who would take the position of supporting American tax dollars at a time that all sort of cuts are being made in an assortment of domestic programs for Americans, that we should take those tax dollars and see that they go to the support of an individual who has publicly pledged to use those tax dollars in destroying American businesses that are operating overseas, if those American businesses do not stop lobbying their Members of Congress. I find that to be an extraordinary proposition. I do not want to make that the focus, however, of this session today.

What I would like to pick up on, Dr. Crocker, is your notion of the importance of—that we have more responsibility, I think was the way you phrased it, to monitor very carefully developments in South Africa, and to respond to them in an appropriate way. It is the nature of the response that I think is of concern to me.

I want to cite as an example of my concern the way in which the administration has greeted the lifting of the South African emergency. I think that my concern—and let me just say it and put this in a broader context. The concern that I have had, as you know, that we have had in a number of both public and private dialogs on, is that at so many different times the administration, including the President, has professed to see progress in South Africa, when I think most objective observers would fail to see any such progress.

Now, it is bad enough to have an incorrect assessment or judgment that might be sincerely rendered. When it is rendered, however, for political reasons so as to—or to bolster American policy—that is, in a sense you have staked out a position. You have taken a policy that used to be known as constructive engagement. I have not heard that term very recently, but whatever you want to call it, it has been laid out. And now you have spent the last several months, in fact most of the administration, defending that policy.

In order to defend the policy, you have got to demonstrate some progress is occurring. And so, my sense of it is that at a number of different points, the administration has really reached to try and identify progress when, in fact, none has occurred.

Now, that is bad enough in terms of just basic kind of candor. The problem that I have is it seems to me that when the administration does that—any top level administration spokesman, yourself or others—that the consequence, unintended or otherwise, is to reinforce the Afrikaner government in their belief that they have a much freer hand, that they can maintain current policies, and knowing in advance there will be very little cost, indeed, in some instances, very little criticism.

My concern with respect to the administration's response to the emergency was dramatized by the Washington Post coverage today on page A-25 of the article entitled "South Africa Bans Two Activists, Calls Off Expulsion of CBS." It is the focus upon the banning order that I would like to raise, and I just want to read a section to you from this.

The government issued banning orders on two leading black activists today in the politically volatile city of Port Elizabeth. The move, which follows last Friday's lifting of the seven-month state of emergency in Port Elizabeth and two other major urban areas, was seen as a signal of the government's determination to enforce tight restrictions on political dissent by using its broad array of regular legal tools, rather than invoking emergency powers.

It goes into a discussion of the two individuals. "The banning orders were served on Henry Fazzie and Nikoseli Jack, two men who are widely considered moderating influences on the young radicals who dominate black politics in the Port Elizabeth area, a stronghold of anti-apartheid radicalism."

The article goes on to say that even the white business community just viewed this as an extraordinarily stupid police measure because it was undercutting the very negotiations that these individuals have been helping to facilitate within Port Elizabeth.

I guess the broader issue is that even before the declaration of the emergency, there were already hundreds of blacks who were killed by South African police, thousands of blacks that have been arrested by South African police in the preemergency situation. President Botha, when he announced the lifting of the emergency, publicly indicated that he was going to accompany the lifting of the emergency by a further strengthening of police powers.

Now, the bottom line is that for blacks and whites and whoever else protests the system of apartheid in South Africa, nothing has fundamentally changed. And yet, there we are out there citing the lifting of the emergency order as some kind of progress. That is deceptive. It is deceptive to Americans. It confuses American public opinion as to the realities. More tragically, and I think more dangerously, I cannot not understand that message as anything but an invitation to the Afrikaner government to continue the emergency abuses—the police abuses that have characterized the conduct both before and since the emergency.

Would you care to respond?

Mr. CROCKER. Mr. Chairman, I think there may be some misreading here of what our position is on some of these important matters that you have raised.

It is very much our policy, our position, that it is important to retain credibility with all key elements and groups in that country including the government. And the way you do that is by calling it straight. The way you do it is by giving credit where it is due, and

by speaking openly and directly in a critical tone where that is due. And I think we have tried to do that.

For example, the announcement that you referred to included the commitment to go forward on the Namibia process, as you know, something that we had worked very hard to get and something which we got at the explicit request of the Angolan Government. So, obviously in that case, we felt that credit was due, that recognition was due. This was an important step.

On the issue of the state of emergency, it is a far more complex matter. This is something which all of us have been seeking to get lifted for months. And so, in the immediate sense, one has to welcome it. I think that is only fair, but I go on to stress the "but." If what is going to happen is simply a further buttressing of other kinds of powers that give you the same thing with a different name, that is not progress. And we are not bashful to say it is not progress, if that is, indeed, what they do. There were some special powers under the SOE which one would hope are not going to be reintroduced. If they are, then obviously it is the same thing under another name.

Second, clearly one of the objectives in calling for an end to the SOE was to get things calmed down in the townships, to have children return to school, to get the troops and the police out of the townships. If those things are not done, then obviously whatever progress there might be is very limited.

Third, and I want to make this abundantly clear, we condemn in the strongest possible terms the banning orders served on those two Eastern Cape leaders that you referred to, Mr. Jack and Mr. Fazzie. These are the kind of leaders who can help to diffuse local crises in South Africa. And for the South African Government to state that it wants negotiation and then to put under banning restrictions or in detention or whatever, people who have got to be party to those negotiations is a sham. We have said so. We will continue to say so.

So, I do not think that we are gilding any lilies here. We are trying to speak in a way that is forthright and accurate and balanced.

Mr. WOLPE. Let me say I certainly welcome your last comment, and I hope that the view will be—with respect to the significance of the most recent banning orders, I hope that view will, in fact, be expressed through diplomatic channels in the most forceful way possible.

Without objection, I would like to enter into the Congressional Record and to the committee record at this point, this article that I was referring to in the Washington Post. I did not read the last paragraph of that article.

The Associated Press quoted police in Kobo Kweni black township near Mozambique as saying they shot dead two teenagers and wounded 81 other blacks in scattering a crowd gathered for the trial of eight blacks on riot charges.

So, let us be equally clear about highlighting the continuance of atrocities and killing of blacks by South African police at the same time that we cite the declaration that was recently made on the Namibia—with respect to Namibia diplomacy.

You indicated it is important to be straight, and I certainly would concur with that. I think it is also terribly important that American policy be clear because if we send mixed signals in terms of what our own policy views are, then obviously that could lead to some very counterproductive reactions.

I want to know what American policy is. In your testimony today, you indicated that you looked for the creation of a new phase of political development—the development rather of a new phase in South Africa that would be based upon democratic principles. I forget the exact phrase, but you used the phrase “democratic principles.” Is it American policy or not that we support the creation of a system in South Africa that is based genuinely upon the dual principles of majority rule and preservation of minority rights?

Mr. CROCKER. Mr. Chairman, I think the only way to get a handle on that is to cite some fundamental benchmarks toward a democratic objective, some of which have been already announced by the government down there, some of which have not been. Universal franchise is one of those. A government based on consent is one of those. Full political rights is one of those. These are all terms that I think mean a lot to us, and I think we know what we mean by them. Across different national lines they may mean different things.

But there has got to be bargaining. There has got to be negotiation about a constitution that enshrines those principles.

Mr. WOLPE. Why are we so nervous about using the notion of majority rule?

Mr. CROCKER. We are not.

Mr. WOLPE. Does American policy subscribe to the development of a political system in South Africa based upon the dual principles of majority rule and the preservation of minority rights?

Mr. CROCKER. I think that is inherent in everything we have said, and we have in fact said that. We want full political rights for everybody. We want a universal franchise. We want a democratic system. If that is not incorporating majority rule and minority rights, I do not know what is.

Mr. WOLPE. Is the answer yes or no to our question?

Mr. CROCKER. Yes, yes, absolutely.

Mr. WOLPE. Thank you.

Mr. CROCKER. And that is not the first time that has been said under this administration.

Mr. WOLPE. Well, there have been times though that I have never been able to get a yes out of you. It has always been an explanation of what it meant, and that is, I think, a concern. I think it needs to be crystal clear that we understand that there is no lasting political settlement in South Africa that is not based upon those two principles, at least as we look at the situation in South Africa. I just think it is important that clarity be evident.

Mr. CROCKER. If I could add one point, Mr. Chairman, I think it is also equally important that it be evident that we are not prescribing a constitutional way to get there.

Mr. WOLPE. I said principles. And I agree with a lot of the testimony that preceded in the panel earlier that clearly there are a lot of ways. Judge Crockett earlier made that observation that you

yourself are making that there are a lot of ways of fashioning a constitutional system based upon those dual principles. But it is important at least I think to keep the principles in mind.

I raise that because I had an interesting conversation just last week with a South African visitor who was spending a good amount of his energy while he was in Washington trying to lay out that there were a number of steps being taken now to eliminate apartheid in South Africa. As you said yourself in your own testimony, apartheid has been labeled as outdated.

Then I said to him, you mean that the regime is now prepared to eliminate white minority rule, and which he said, oh, no, of course not. It is very important that American policymakers, as we discuss these issues before an American public, do not buy into the use of language that is employed by the South African Government which is intentionally designed to conceal real intention. The abandonment of apartheid, as the South African Government is now employing the language, has no relationship whatsoever to the end of white minority rule.

In fact, as the Prime Minister Botha made clear, that is a principle that they intend to follow through eternally at this juncture. That is their position.

And I just hate to see American policymakers, in discussions of that kind of question, point to statements by South Africans that talk about an end to apartheid without the corollary proposition that they really mean by that an end to white minority rule, or we will simply really confuse the public debate in this country in a way that I think would be very unfortunate.

Do you care to respond to that?

Mr. CROCKER. Mr. Chairman, I think I can agree with some of what you said. I do not know if I can agree with all of it.

We are not using South African language. We are trying to use our own language. And I think there are several distinct issues that are being looked at and are before us today, one of which is an end to violence and repression and killings, another of which is getting dialogue and negotiations started, the third of which is dismantling the existing apartheid legal and policy structure, and then finally, the building of a new system. So, at least conceptually, I break those down into four sets of issues.

One can talk about dismantling or ending apartheid in the context of scrapping such laws as, for example, the Separate Amenities Act, to take one case, or influx control. But that is very different than building a system based on full political rights for everybody. Obviously. We accept that.

Mr. WOLPE. Could I interrupt you just for a moment?

It is also conceivable, is it not, that the very dismantling of some of these so-called petty apartheid restrictions, even some of the other items that have been identified in recent public South African pronouncements, could well be designed to reduce international pressure and thereby, to preserve white minority rule; that is, to see all of those initiatives as steps toward the—that we are moving in the direction toward the elimination of white minority rule is, I do not think, supported by the facts.

Mr. CROCKER. The historical momentum here, it seems to me, can become inexorable and probably is. And in terms of scrapping such

things as have begun to be talked about, there are obviously others that have not been committed to yet but are even more important, like the Group Areas Act, for example. It does not seem to me to make sense to talk about scrapping the Group Areas Act as a means of propping up white minority rule.

But I would go one step further and say I am not sure that the South African Government has a consensus or has made decisions of the kind that you imply, which is that its goal is to maintain white minority rule in perpetuity. I am just not sure I can agree with that. I do not think we have the evidence for that, and we perhaps ought to admit that we do not.

Mr. WOLPE. Well, I believe that the head of state Botha has himself affirmed that quite recently. In fact, wasn't that sort of what was at stake in his confrontation with Foreign Minister Botha?

Mr. CROCKER. What was at stake in that confrontation was things that were said without cabinet approval, and that is a rather different matter than saying that the Government of South Africa or this Government is wedded in perpetuity to the maintenance of white minority domination. But I think it is really best to leave that discussion and to maybe put the question to the South Africans.

Mr. WOLPE. Let me raise one more question then yield to my colleague, Mr. Crockett.

On the point of negotiations, I thought the administration made a very important statement, a constructive statement, some months ago when you called upon the South African Government to enter into negotiations, direct discussions, with such forces as the African National Congress, and you also called for the release, unconditional release, of Nelson Mandela.

I wonder if you would expand upon your views with respect to what would be constructive in terms of the South African Government's approach to the African National Congress. Would you like to see the illegality—the illegal status of the African National Congress abandoned so that the ANC can function openly and publicly and be a participant directly in this process of negotiation? And second, is the United States now prepared to deal openly and directly with the African National Congress at the higher levels of the government, since we have always had at least a private—at the lower levels those dealings have been, for a long time, part of American policy?

Mr. CROCKER. Mr. Chairman, we have urged the South African Government, as you correctly said, to talk to and to negotiate with all important sectors of opinion in that country, which obviously includes the ANC. When it comes to the question that you pose about legalizing it, I suppose here we are talking about a possible package that might one day—we hope sooner rather than later—be possible.

There are many things that each side will look to the other to provide in terms of conditions or gestures, if you will. The issue of violence is obviously high on everyone's mind. The issue of legalizing the ANC is on people's minds. The issue of getting people out of prison and getting troops out of townships, getting commitments to not use violence if there is to be an opening for negotiations. These

should be interrelated, I would have thought, rather than be treated in a vacuum.

But, quite clearly, we would hope the time could come when there remains no more excuse for anyone to resort to means of terrorism and violence to pursue their political goals in South Africa, which means by implication, people can operate openly.

As far as our own dealings are concerned, we try to keep in touch across the political spectrum and that includes with the ANC. We have no new decisions in that regard, but we do keep a pattern of communication with that movement. We have some concerns that I do not think should be slid under the table here about some aspects of that movement's activities and policy. We have communicated these to that movement very directly. So, there are some inhibitions there. No doubt. But we do have a pattern of communication and intend to continue it.

Mr. WOLPE. Mr. Crockett.

Mr. CROCKETT. Thank you, Mr. Chairman.

Your last two questions really touched upon an area that I wanted to explore with Mr. Crocker.

I liked your presentation this morning, because I think it was a conscientious effort to summarize where we are, and how we got there. But on the question of the African National Congress, I would like to know whether or not the State Department has had any contact, official or unofficial, with the African National Congress? Do you ever talk to them?

Mr. CROCKER. The answer is yes, we do have contact with the African National Congress, and it is continuing pattern of contact, and we do intend to maintain it, and to use it, and not to create dramatic, what I might call "photo opportunities," but to communicate important messages, and so we will do that. We have said things concerning our policy to them, and we have heard them out.

So, the answer is yes.

Mr. CROCKETT. Last weekend, in New York, I had the privilege of meeting and talking with Pallo Jordan, who is the Deputy Minister of Information for the African National Congress. I have invited him to Washington, and I expect to have a breakfast meeting with him.

I would be interested in having you attend, or having someone from your office attend, maybe as a beginning of finding out where the African National Congress is coming from and what they are thinking about with respect to a negotiated settlement in South Africa.

In your presentation you say quite a bit about the need for negotiations. My next question is, who is there for South Africa to negotiate with? The President has refused to talk with Bishop Tutu, Reverend Boesak and with Reverend Naude.

Mr. Mandela is still imprisoned. We keep talking about the necessity for negotiations, but unless we do something about releasing Mandela and recognizing the African National Congress, we still have the question of who is there for South Africa to negotiate with.

Mr. CROCKER. Congressman Crockett, I think I have made the same point in my answer to an earlier question, just to a degree. There obviously is a wide range of views within the non-white com-

munities in South Africa, across the full spectrum—UDF, for example, consisting of over 700 organizations, not all of which speak with one voice; and there are other groups and leaders outside the UDF, and so forth.

I do not think it is for us to dictate who they ought to speak to, but I do think—I agree with the implication of your question—that as long as certain key individuals remain in detention, it makes it harder for others to participate, and it raises questions about whether the Government really intends to put the big issues on the table.

So, we do call for the release of people, and we deplore and condemn the kind of bannings and detentions that have taken people away from the table, if you will.

So, I think that is the best answer I can give you.

Mr. CROCKETT. Let's go to another subject.

As you know, I have been rather critical of the State Department because it undertakes to handle African issues, and, particularly South African issues, without availing itself of the experience and knowledge of blacks here in our own country.

This failure is something that is characteristic of State, not only with respect to Africa and South Africa, but with respect to Central and South America, and the Caribbean.

Now, you said something about State having an advisory committee on South Africa. I have read about that before.

My question is: do you have any participation on that committee by the Congressional Black Caucus or any members of the Congressional Black Caucus?

Mr. CROCKER. Congressman, there are no members of the advisory committee who are, to my knowledge, what one might call serving politicians and public officials in that sense, so the immediate answer is no. There is significant and important participation by black Americans on that committee, I think, as you know.

I would be happy to submit the full list of members, if you would like me to.

Mr. CROCKETT. A further weakness is that all too frequently, I think, you approach questions with respect to South Africa from a political point of view, and you are handicapped because of that.

I think it is generally agreed now that the whole policy of constructive engagement has been a dismal failure; it began with your speech over in Hawaii back in early 1981. However, just before you made that speech, this subcommittee had made a trip to South Africa; we had been down to crossroads, we had witnessed the brutality; we had met with Foreign Minister Botha; we had met with the constitutional commission that was devising the new constitution; and we had met with a lot of blacks in Soweto with whom the State Department has no contact.

We were in a position to, I think, give you some valuable information before you formulated the policy that resulted in that speech in Hawaii.

But I do not think this subcommittee was consulted; I do not think anyone on this subcommittee was consulted, and, as a result, you came out with the policy of constructive engagement.

Mr. WOLPE. Would the gentleman yield?

Mr. CROCKETT. Now let me make another point—yes.

Mr. WOLPE. Will the gentleman yield on that point. The point you make is, I think, an important one, not necessarily only with respect to Dr. Crocker in this instance; but it may be of interest to Dr. Crocker that I repeated requests for meetings with the Secretary of State, which have been rendered on probably no less than eight or nine occasions the last few years, following visitations to Southern Africa and other parts of the continent.

A number of my colleagues and I thought it might be useful for the Secretary of State himself to at least hear some of the views of the members of this committee, and Secretary of State Shultz has indicated the profound significance that he attaches to matters of Southern African policy by refusing—by in each instance, promising that such a meeting would be established, and to this date, he has yet to have a meeting with myself as chairman or other members on our side of the aisle, at least, with respect to Southern African policy. I find that to be an extraordinary comment. Thank the gentleman for yielding.

Mr. CROCKETT. The Congressional Black Caucus has had a parallel experience. On numerous occasions, we have requested conferences with State, and with the Secretary to discuss these issues, but, to my knowledge, the Secretary has never met formally or informally with the Congressional Black Caucus. But let me go to something else, because I suggested that the policy too frequently is political motivated. Unfortunately, you do not have too many leading blacks in the Republican Party who know anything about Africa and South Africa; and so when you limit your choice of advisers to Republicans, you do not get the benefit of the black experience and the black knowledge.

Let me give an example of what I am talking about. You and I, because our names are so closely alike—

[Laughter.]

Mr. CROCKETT [continuing]. Usually sit side by side when we go to meetings of the African-American Institute.

You recall the meeting in Zimbabwe. There were a large number of black leaders from this country who were in attendance.

There was Percy Sutton from New York. You had Mayor Young from Atlanta; you had Mayor Bradley from California. I could go on and name others, and when I got through, I do not think I would include a single black Republican of stature who was present.

Now, all of those blacks who were there were well known to the delegations of different African countries. They knew the Prime Minister, the Foreign Minister, and so forth. They met and talked with them on a level that State could never approach. So why is it that State does not take advantage of that knowledge, that reservoir of knowledge by consulting some of these black leaders. They should not be passed by just because they are not identified with the Republican Party.

If you did consult with them, I think you would not make as many mistakes as you have made. [Laughter.]

Now, my final point: There is an excellent article in the current issue of Foreign Affairs. If you have not seen it, I would recommend it to you very strongly. It was written by a former managing editor of Foreign Policy and the director of the Institute of social

and Economic Research at Rhodes University in Grahamstown, South Africa.

They, of course, do a job on your policy of constructive engagement, but they also point out many of the shortcomings, many of which Chairman Wolpe has called attention to, and I tried to call attention to, that run into the formation of that policy of constructive engagement.

Now, my final question is this: I have filed, and there is pending before the Congress, another free Mandela resolution. That resolution is based essentially on what I understand is the position of Secretary Shultz, and that is that South Africa not only should free Nelson Mandela but that it should sit down and talk with the African National Congress.

He made both of those points in a meeting he had with the editors of the New York Times not very long ago. I want to know whether or not State is favorably disposed toward my resolution or whether you are opposed to the resolution?

Mr. CROCKER. Judge Crockett, you have made a number of points with which I disagree vehemently, and few that I might agree with, and we do have common ground in the closeness of our names.

I cannot—I clearly cannot comment on your resolution since I have not seen it, but I will look at it with interest.

If I could make a couple of brief replies to some of the points you made.

When you say that our policy is politically motivated, I sure hope so, because we have goals to accomplish in South Africa, but they are not partisan goals in the sense of Republican goals. We hope that they are goals that all Americans share. I think that they do. There can be differences about the way you achieve them, but I think our goals represent a great deal of bipartisan common ground.

I clearly do not accept the opening comments you made about our policy being a failure; I do not think it is; I do not think it was; I do not think it will be.

The article you referred to in Foreign Affairs, I would dismiss as simplistic, as ill-informed and factually inaccurate in so many places as to boggle the mind for what purports to be something—something serious.

We do believe in consultation, and I hope we can improve it. You mentioned that the Congressional Black Caucus has never met with the Secretary of State—that is wrong. It has, and I think that should be made clear on the record.

You mentioned that the African-American Institute had no Republican blacks. I might point out it had very few Republican whites, as well, which tends to be the experience of the African-American Institute because of the way it conducts itself.

But, anyway, I thought I had to make a rejoinder to a couple of your comments, sir.

Thank you.

Mr. CROCKETT. Thank you, Mr. Chairman.

Mr. WOLPE. Thank you very much, Mr. Crockett.

I would like to spend a couple of seconds, a couple of moments talking about American national interest.

We have just gone through an interesting experience in the United States, in the sudden widening of American understanding with respect to American interests in the Philippines. I think Americans across the political spectrum came in very short order, once the issue was before the country, to understand that it simply did not serve American national interests to be identified with sustaining and supporting a corrupt dictator of the likes of Ferdinand Marcos.

The bipartisanship that was evident within the Congress and across the American public sustaining a distancing of the United States from Mr. Marcos was really remarkable. I give enormous credit, in particular, I think, to Senator Dick Lugar, who, I think, played a major role in saving the President from himself.

But I think that the Senate Republicans in joint combination with congressional leaders, Mr. Solarz here in the House, were reflective of a national understanding about American interests being compromised by our close identification with Mr. Marcos. There was a further understanding that if a democratic regime could not be instituted in the Philippines that would only give fuel to the Communist insurgency within that country. So, we joined together, and, I think, played a constructive role in facilitating the process of change in the Philippines.

The question that I think we, as Americans, need to be asking ourselves right now, at this moment, is why is it so much apparently more difficult for Americans to respond, and for our institutions, our political institutions to respond in precisely the same way, when it comes to South Africa. I want to put more emphasis on the institutions than on the American public, because I think the American public is way ahead of the institutions, even with respect to the issue of South Africa.

The fact of the matter is that our approach to South Africa has been very different from our approach elsewhere in the world where we have had comparable kinds of repression, and where American interests are being compromised in the same fashion.

I must ask myself, and I think we all, as Americans, need to ask ourselves, what would be our response to South Africa, if, indeed, the racial composition of the forces in South Africa had been different—and I ask this, not only in the context of current policy in the Reagan administration but in the context of going over many decades of Democratic and Republican administrations.

If, in fact, you had had a black minority in South Africa imposing this horrendous system of apartheid over a white majority, would we have for decades been engaged in a dialog about the efficacy, about the morality, about the wisdom of the application of sanctions?

Would our response not been more like that which we have applied to Libya recently? And, Dr. Crocker, you have been involved, of course, in the development of our Libyan policy, and we have—and I think appropriately, I might say, imposed very direct economic sanctions against Libya in response to their state terrorism.

Why is it we will characterize the acts of this madman Mr. Quadhafi as terrorist but be reluctant to apply the same adjective of State terrorism to acts of the South African Government, including their military occupation of Namibia, its blockage of Lesotho, its

raids into such countries as Botswana and Lesotho? Are those not comparably acts of state terrorism?

Mr. CROCKER. Mr. Chairman, you have asked a broader question about bipartisanship on South Africa. If you want me to leave that aside, I will get to your specific question.

I think we have to look at each situation on its merits. We have had, for many years, restrictions on our relationship with South Africa. The President has applied some new ones.

But the situations, in terms of the relative bargaining positions of the parties and, of the internal structure of the two countries are so totally different that I think to argue that one should simply have a policy which is superficially consistent misses the point.

We do have sanctions in place vis-a-vis South Africa. We do have sanctions in place vis-a-vis Libya. We are trying to carefully target what our goals are and do the best we can to achieve them.

So, I do not think it is a question of having a double standard here. On the contrary, I think, we have set a very high standard. I detect in your point a degree of self-flagellation about our country in its record on the South African issue.

We are the leaders internationally in the South African issue. Anyone who contests that, I would like to know who they would put forward as an alternative candidate for leadership, in terms of not only auditory, declaratory policy, but actual policy on the ground.

Mr. WOLFE. Let me say, every bit of policy we have now developed by way of sanctions has not been exactly with the enthusiastic embrace of the administration. It has been compelled by a bipartisan posture—again, I give enormous credit to the Republican leaders in the Senate in joining with Democratic leaders in the House and making that happen.

But the reality, and I think the track record is very clear—it is not an issue, incidentally, of such terms as “self-flagellation.” The issue is how do we best protect American interests. At times, it has been suggested, even by one of the panelists earlier that we need not—that we need to be very cautious in terms of the African National Congress because of its linkages to Marxist-Leninism or communism.

I would have thought that the more obvious point with respect to South Africa is the same point that is apparent in the Philippines, which is that it is the repression of the apartheid system that is an open invitation to communism, and if we do not want the African National Congress and others that are struggling for their freedom to turn to the East, to the Soviet Union, and to others for support, then it seems to me that we had better remove our apparent ambivalence and ambiguity with which we approach their struggle for freedom in South Africa.

Why are we—why do we not even characterize—Mr. Reagan recently was talking about Jonas Savimbi as a grand Freedom Fighter. I find that, I must say, rather extraordinary. This is a man who back in the sixties was describing America as the “notorious agents of Imperialism.”

We will get to that on another day.

But why is it so difficult that we cannot apply, at least the same language in terms of the struggle for freedom, the forces that are seeking their freedom in South Africa?

Mr. CROCKER. I think we are trying to apply the language that we think is appropriate to the circumstance, and it is very clear, and it is very honest and it is very objective language. We will continue to do that.

You know, I must say, where we are——

Mr. WOLPE. Do you see any parallels between the Philippines in terms of American national interest and our identification with the regime?

Mr. CROCKER. I was going to get to that point. It is very clearly in our interest, Mr. Chairman, for there to be constructive change. It matters that change take place, take place urgently; and it matters what the outcome of that change is from the standpoint of our national interest. I fully accept that point. It is against our national interest for change not to occur. That point is a given, and it is written into our policy in every respect. That is a very different matter than saying, you know, that the tactics that flow from that point are automatically self-evident.

We do have, as I have said, contact with the ANC; but, to say that if we do not do X, Y, and Z, they will run to Moscow, implies that they have not already.

There are some people in the ANC who clearly have a very close relationship with the Soviet Union. There are very strong ties between that movement and Moscow. There are also ties with other less hostile elements internationally; and it is obviously a competitive situation. We have got to compete. We are trying to do that.

Mr. WOLPE. Would you characterize those within the National African Congress and other of the liberation movements as freedom fighters in South Africa?

Mr. CROCKER. Well, in a sense, people are fighting for their freedom in many different ways in South Africa. I would not confine it to them. But the term that I would use is, you know, that there are people who are engaged in the struggle.

Mr. WOLPE. I am not saying to confine it to them, I said would you at least apply it to them, not necessarily exclusively?

Mr. CROCKER. In a generic sense, yes, sure.

Mr. WOLPE. Thank you. That is a breakthrough. I have just one last question, Dr. Crocker. The Commonwealth countries last October adopted a ban on all military cooperation with South Africa that led to the withdrawal of military attachés in South Africa.

Do we still have a military presence in South Africa even if only in the form of military attachés; and if so, why; and might the administration in light of the Commonwealth action now consider the withdrawal of the military attachés also from South Africa?

Mr. CROCKER. What we have in South Africa in the way of military presence, Mr. Chairman, is military attachés which you have indicated. We have no intention of removing them. We think that they serve our national interest. What they are there for obviously is involved in the collection of information which is in our interest to collect. And if we did not have an interest, we would not have them there.

I think that it is a view that applies in many countries with which we have relationships ranging from friendship to hostility. It is one of the conventions of diplomacy to exchange military attachés. So that is the reason to do it.

Mr. WOLPE. I did not mean to interrupt you, I am sorry.

Are there any other countries that have military attachés in South Africa besides the United States at the moment?

Mr. CROCKER. I would have to check the precise status. There are some Western countries that still do, and there are some that are in the process of pulling them back. But I do not have the exact numbers and names in my head. We could get that for the record for you.

[The material follows:]

The following countries, other than the United States, are represented by military attachés in South Africa: Argentina, Chile, Republic of China (Taiwan), Paraguay, and Portugal.

Mr. WOLPE. Let me suggest that I think that it would be very helpful if you might at least undertake an assessment of the wisdom of our continuing with the presence of military attachés in South Africa. I think that you will find—maybe there are some others that are still there from other countries, but I do not think that that is the case. I think that it may be a matter of timing. They may not all be out yet. But I think that they are being withdrawn.

And I think that the United States is kind of exposed again in terms of a unique kind of cooperative relationship with South Africa by maintaining the only unique presence. I might say that for the United States to militarily ally itself with South Africa or to effectively to be militarily allied with South Africa, and in Angola likewise, I think is to expose the United States in a way that I think directly undermines American interests both in Southern Africa and throughout the African continent.

Let me say finally as a closing comment that I want to underscore something that you said, which is the importance of change occurring quickly lest the situation deteriorate to an even greater degree.

It is precisely because of my sense of urgency that I think that it is more important rather than less important that the current pressures that have been placed upon South Africa by the United States and by other international actors not only be sustained but be increased.

I do not know anyone who believes that the fragmentation of the white community that has begun to occur evidenced most recently by calls by a number of people within the business community Afrikaans-speaking as well as English speaking calling for the abandonment of apartheid and for direct discussions and negotiations with the African National Congress, I do not know anyone who believes that those calls would have come about were it not for the economic pressures that the society is facing and that the regime is confronting.

You, yourself, I think, have even acknowledged that it is the combination of internal and external pressures that have led to some of these pronouncements by the government. To on the one

hand acknowledge that the pressures have been relevant to the developments in South Africa, but then to oppose the continuance of pressure or the expansion of that pressure, I think is inconsistent on its face, or it is illogical on its face.

My concern is that any relaxation of pressure is going to be interpreted by the regime as further evidence that they can essentially withstand the immediate storm, and that they will be able if they are simply tough enough to maintain the system of apartheid indefinitely without fundamental economic costs and without a growing sense of international isolation.

I think that it is in America's self-interest as it is of the rest of the international community that is concerned about long-term prospects for stability in Southern Africa to move the process as quickly as possible to negotiations. I think less the pressure that the longer that decision of the white minority to negotiate will be delayed.

I think that would be tragic. Because I think the longer the delay, the greater the radicalization, the more the violence, the more difficult the ultimate task of political reconciliation.

Mr. CROCKER. Mr. Chairman, with your permission, if I could just make a brief comment, and perhaps you will want to make a comment as well. We believe that there are pressures in place. We believe that signals have been sent that are very important.

We do not want to encourage the adoption of extreme positions by any side or the gaining of allusions by any side. There is a risk on both sides if we act in ways that we judge to be irresponsible. On the one hand, of hardening of discouraging those who are trying to push for change from within the white community, hardening attitudes there. And on the other hand, convincing people in the black community that there is no need to negotiate at all, that the only tactics that really matter are the tactics of the most extreme, the tactics of terrorism, if you will, and violence from the outside.

Your earlier question about freedom fighters leads me to underscore a point. We do not associate ourselves in any way with those using violent means. So I think that we do have an obligation.

Mr. WOLPE. Only in Angola.

Mr. CROCKER. It is a totally different situation, Mr. Chairman. It is a totally different situation. We do not believe that one can look at the application of means of violence when you have the Soviets there, 3,000 Cubans plus, and billions in Soviet hardware, and then say that the UNITA people are not fighting for freedom against Soviet aggression. It is to ignore the realities.

Mr. WOLPE. I was only making the point that we are selective in the application of violent means.

Mr. CROCKER. I do not think that we are selective in our commitment and our concern on moral grounds as well. There are millions of South Africans inside the country fighting for freedom in a variety of ways. And I think that it is beginning to show some results.

Mr. WOLPE. I thank you very much for your further comment. Let me thank you very much for your testimony today, and for your patience in the delayed appearance. I thank you very much.

[Whereupon, at 1:03 p.m., the subcommittees were adjourned, subject to the call of the Chair.]

BLANK PAGE

APPENDIX

PREPARED STATEMENT OF HELENA M. COOK, LAWYERS COMMITTEE FOR HUMAN RIGHTS, HUMAN RIGHTS IN SOUTH AFRICA

My name is Helena Cook. I am a staff attorney with the New York-based Lawyers Committee for Human Rights. Since 1978, the Lawyers Committee has served as a public interest law center to promote international human rights and refugee law and legal procedures. For the past year the Lawyers Committee has been conducting an on-going investigation of the human rights situation in South Africa during the present civil unrest. In 1985, I undertook two fact finding missions for the Lawyers Committee in June and July and most recently in November, spending a total of nine weeks in the country.

While many people in the United States are now aware of the injustices and humiliations suffered by black South Africans under the system of apartheid, few are as informed about the brutality and violence of the security forces in enforcing that system and in crushing practically all expressions of opposition to it. The security forces have enjoyed virtually a free hand in quelling opposition and protest during the past 18 months of civil unrest. Their conduct has demonstrated an unprecedented level of violence that has exacerbated the deepening crisis and led to an alarming deterioration in the already grave human rights situation. A recent example of this that we wish to highlight today took place in Alexandra in the week of February 15, 1986 when at least 24 people were killed in clashes with the security forces. What happened there was not, however, exceptional. It is but one more grim episode during the months of unrest in which more than 1150 people have died, two-thirds of them killed by the security forces.

Under the State of Emergency, imposed from July 21, 1985 to March 7, 1986, the police were granted additional extensive powers of control, including the power granted to all ranks to arrest without a warrant and to detain people without charge. Some 7800 people were detained under the emergency regulations, some of them for the entire eight months that the Emergency remained in force. More than 2000 of the emergency detainees have been children under the age of 16, some as young as seven years old. In 1985, more than 3000 other persons were detained under the security legislation, the Internal Security Act, and an additional estimated 25,000 were arrested on criminal charges arising out of the unrest. Many of these criminal arrests were made apparently at random and with little or no evidence of the person's involvement in any criminal activity.

Numerous affidavits of former detainees indicate that torture and assault are routine techniques of interrogation, including the use of electric shock, suffocation, beating and whipping, solitary confinement, deprivation of food, death threats and 'the helicopter' (the victim is suspended across a pole and beaten repeatedly while being interrogated). During 1985, eleven detainees died in detention or shortly after their release. Three of them were children under 18 years old.

Thousands of people have been injured, some seriously, in security force operations in the townships such as that in Alexandra only a few weeks ago. Teargas, rubber bullets, buckshot, whips, and live ammunition are used recklessly and indiscriminately. The presence of police in hospitals and

clinics and the routine arrests of anyone found with injuries caused by these weapons has meant that many of the injured do not dare to seek urgent medical assistance.

Events that took place when violence broke out in Alexandra township outside Johannesburg on February 15, 1986, typify the behavior of the security forces in many other incidents of unrest. In the ensuing confrontations with the security forces at least 24 people were killed, most of them shot by the police and army. Many others were seriously injured and more than 100 people were detained. The death toll was one of the worst in a single incident during the entire period of unrest.

During the course of our on-going investigation the Lawyers Committee has gathered some sixteen statements and affidavits given by residents of Alexandra concerning the conduct of the security forces during the recent violence there. These testimonies illustrate the indiscriminate brutality and violence that has characterized the security forces' response to unrest throughout the country during the past 18 months. The testimonies were taken by lawyers and human rights workers at a Crisis Center set up in an Anglican Church just outside the township a few days after the violence broke out. The full texts of these testimonies are annexed to this statement, but names and

addresses have been omitted in order to protect the identities of the persons concerned.

Riots Break Out in Alexandra

Some 100,000 people live in Alexandra. Unlike most townships that are located some distance from white residential areas and can be quickly sealed off, Alexandra directly adjoins a rich white suburb of Johannesburg. The uprising was readily visible from outside the township and resulted in some press coverage of events, despite the press ban then in operation that has resulted in a virtual blackout of news reports from unrest areas since November last year.

Tensions in the township began to mount on Friday, February 14 when a press conference organized by the Release Mandela Campaign, at which Winnie Mandela was due to speak, was banned. On Saturday, contingents of security forces moved into the township in readiness for a funeral due to be held that day. During the unrest, these huge funerals have frequently given rise to further confrontations with police.

One witness attending a vigil for one of the dead on Saturday, February 15, told the Lawyers Committee that there were some 2000-3000 mourners there and a heavy police presence. Police instructed some individuals to order the crowd to

disperse, but made no public announcement before they started firing teargas and rubber bullets. The witness saw a youth falling down "with blood pouring from his back" and believes that live ammunition was also being used.

Further clashes between security forces and residents apparently broke out again shortly after the funeral. According to witnesses, police broke up the traditional washing of hands with teargas and this prompted some of the youths to start throwing stones. Police said that they opened fire only after the crowd tried to attack policemen's houses. The violence escalated rapidly and continued for several days. One of the first victims was a 13-year-old boy whose body was brought into a local clinic on Saturday night. During the following days, the death toll rose to 24. Most of the victims had been shot. On February 28, the Alexandra Crisis Center reported that at least 12 people were still missing and it was known that, out of 18 identified bodies, seven were children under 18, one of them a boy only 12 years old.

Allegations of Police Brutality

The Lawyers Committee is particularly concerned at the random and indiscriminate nature of the police response as indicated by the attached affidavits. Several of them claim that police were shooting at people out on the streets quite

deliberately. A 16-year-old schoolgirl described how one victim, Jerry Mtembu, was kneeling behind a fence when he was shot in the stomach at point-blank range by a policeman who went "straight to Jerry" and shot him "without speaking." She said:

As Jerry was shot he screamed. His intestines were hanging out and he held his stomach and jumped over the fence.

Another witness saw a man run out to help Jerry who had stopped "because his intestines were falling out and he tried to put them back." Police shot at the man, hitting him in the leg. He sought refuge in a house of the same witness. "Another shot was fired and the bullet went through the window into my kitchen door," she said. The man hid under a bed but a policeman stormed into the house and demanded to know where he was. "He saw the legs of [the man] sticking out and shot him in the leg." The police came in, picked up the spent cartridges, dragged the man outside by the collar and just left him. When the witness later inquired at Hillbrow Hospital she was told that it was possible that the man who had tried to help Jerry would have to have both his legs amputated.

Another witness was at the house of a friend, Neil Williams, on Monday February 17, listening to music. They went to collect some cassettes from a nearby house. As they returned, Neil was shot and fell to the ground. The witness said:

I looked down and saw that he was bleeding at the back of the scalp. I knelt down, calling out, "My friend, my friend." but he was stammering and could not speak....Neil's wound was oval shaped and about the size of a 20c piece. The bleeding was very heavy and some of his brains were coming out of the wound. [We] took him to the hospital at Hillbrow and we later learned that he was dead.

A third witness saw police fire at a car driving in the township. A tire was hit and the car overturned:

The police then approached the car and saw that the occupants were not dead. The car was lying on its side and the SAP started to shoot randomly into the car. The police were excited and jumped for joy while shooting. There were a large number of police involved. An ambulance then arrived and removed three of the occupants. The fourth occupant was left in the car. He had been killed by the police.

Police Interfere with Medical Treatment

Many other people sustained serious injuries as a result of being shot by the security forces. One young man watching a disturbance across the street said he "saw a white policeman with a rifle pointing at me." He was shot in the left eye and fell to the ground:

I woke up quickly thinking the police might shoot me again. The blood was coming from my left eye and I felt it was hanging out of my cheek and put my hands to my eye.

The mother of an 18 year-old boy stated that her son was shot in the head while returning from school. "He was crossing the road and a hippo [was] in front of them. The men in the hippo began

shooting immediately." The boy is now in hospital and appears to be partially paralyzed.

The Alexander Health Center and University Clinic were swamped with casualties on the Sunday and Monday (February 16 and 17), many of the injured having gunshot wounds. By Monday afternoon, a roadblock was set up close to the clinic and policemen were stationed at the entrance. Police then entered the clinic with a search warrant allowing them to seize medical records dating from February 14. They removed 300 patient files and a casualty report book. As a result of this, very few of the injured have dared to go near the clinic for the medical help they need. It is now well known that throughout the unrest, police have gone into hospitals and clinics where they routinely arrest anyone with shot wounds or other unrest-related injuries. Many of those arrested are subsequently detained or charged with public violence, regardless of how the injuries were sustained.

One woman shot in the jaw described how a policeman came into the doctor's surgery while she was there. The doctor told her that he had been instructed by the policeman not to treat anyone with bullet wounds.

Detentions

More than a hundred people were detained during the confrontations, a number of whom were badly assaulted by the police. A mother was told by her son's friend that her son "had been beaten with empty bottles of beer, butts of rifles and kicked by soldiers," before being taken to the police station on Sunday, February 16. When she went to the station, a police officer would not let her see the boy and told her "he had been so badly beaten that he could die at any moment." She returned to the police station on Monday, Tuesday and Wednesday and each time she was given no information about her son and was refused permission to see him. On Wednesday a police constable told her she should go to the mortuary to look for him. She has now searched the hospitals, the mortuary and the prison. At the prison they told her that her son was there but when she tried to obtain a permit to see him she was sent home again. She still has no idea whether he is dead or alive.

According to the Crisis Center records, only 12 of those arrested were known to have been charged and the remainder were apparently detained without charge, probably under the emergency regulations then in force. Arrests appeared to be made very often at random, sometimes simply as a means to discover the names of those involved in the rioting.

One 15-year-old was arrested with a group of friends on Thursday, February 20 in the evening. "We were put in a hippo and assaulted by fists and gun butts," he said. At the station the boys were again assaulted by police "by fists and kicking." They were questioned one by one for several hours. "We were also assaulted during the questioning if we did not answer the way they wanted. We were kicked and beaten with whips." The police asked them to identify photographs, allegedly offering them R200 if they could identify anyone and assaulting them again if they could not. The boy was released the following day without being charged and the police threatened that he would go to prison if they found him again.

Five young boys, two of them only 14 years old, were arrested after police found on them a list of the dead, injured, detained and missing in the riots. The boys were beaten with fists and rifle butts as they were forced into a hippo. They were kept up all night, repeatedly assaulted by various policemen and then forced to make statements. One 15-year-old was taken for questioning during which a gun was forced into his mouth to make him say who the student leaders were. Another boy was threatened that he would be hung until he died and a gun was pointed under his chin to make him confess to having killed a policeman. He was told to lie spreadeagled on the floor and another policeman "put his foot on my genitals and said I should

own up to the killing." The boys were again assaulted the following day and forced to do strenuous exercises. Later the same day, they were simply told to go home.

The Government's Response

When the violence broke out, a delegation of leading churchmen, including Bishop Desmond Tutu, went to Cape Town to seek an urgent meeting with the President. Mr. Botha refused to see them, say that he had been given insufficient warning and had too many other commitments. Instead, they met with Deputy Minister Adriaan Volk. Mr. Volk later stated in Parliament that 16 people had been killed and 37 wounded in Alexandra, figures that were far lower than those given by residents in the townships but significantly higher than the police had earlier acknowledged. This is not the first occasion when the official police unrest report has later been revealed to be a seriously inaccurate account of an incident and has minimized the extent of the violence and the numbers of dead and injured.

Bishop Tutu later reported back to the township residents at a large rally, calling on the crowd to maintain peace and order. The anger and frustration of the crowd was evident. "There is a growing feeling of impotence, but they did listen," Tutu said. "It is very tense, very, very tense, it could go one way or the other." The Minister of Law and Order

also made a statement citing the government's determination to destroy "the focus of violence and anarchy," adding that "the government will not hesitate to tackle any situation with even greater forces than have been used in the past."

It is clear that the Government still intends to deal with the unrest primarily by the use of force and that the security forces will continue to play a major role in the control of the townships. There is no reason to suppose that the lifting of the State of Emergency on March 7 will restrain the security forces or result in any improvement in the dismal human rights situation. The police still retain broad powers under the ordinary security legislation and President Botha has made it clear that this legislation will now be further extended to incorporate some of the emergency powers. This will ensure that, even without a State of Emergency in place, the already repressive security structure in South Africa that has given rise to serious human rights abuses in the past will be further strengthened and that the security forces will continue to act with impunity.

hcbt0005

61-728 (129)